

2009 ANNUAL REPORT

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ADAM WALSH ACT

EGONN TRUJIL BRADY

On November 24, 2009, EGONN TRUJIL BRADY, a 35-year-old resident of Billings, was sentenced to a term of:

- Prison: 72 months
- Special Assessment: \$100
- Supervised Release: 15 years

BRADY was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

In 2001, in federal district court, BRADY was convicted of felony abusive sexual contact. BRADY was sentenced to 12 months prison, followed by supervised release. Based on his conviction, BRADY was required to register as a sexual offender and was informed of that requirement both in the judgment and when he was released on supervised release.

BRADY registered in Yellowstone County on November 27, 2007, while on supervised release. BRADY last registered his address with Yellowstone County on April 30, 2008, using the address of a Billings motel.

In January of 2009, the U.S. Marshals Service received information from the Yellowstone County Sheriff's Office that BRADY was not currently registered in Montana. The motel BRADY had registered as his address had been torn down. Demolition of the motel started in late October or early November of 2008, and was completed by January 1, 2009. All of the residents living there, including BRADY, were out by the middle of October.

BRADY had been arrested in Billings in October for several misdemeanor charges and reported to the arresting officer that his current address at that time was his father's address, who is also a registered offender. However, his father stated that BRADY did not reside with him but that he was still in the Billings area somewhere. BRADY has not updated his registration notifying the Registry or Yellowstone County of any new address from his last registered address, which no longer exists.

The Montana Sexual and Violent Offender Registry confirmed that BRADY is out of compliance with Montana's Sexual Offender Registry requirements for failing to update his registration in Montana.

The investigation was conducted by the U.S. Marshals Service.

MERLIN JAY BRADY

On March 18, 2009, MERLIN JAY BRADY, a 39-year-old resident of Billings/Lame Deer, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 5 years

BRADY was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In July of 2008, the U.S. Marshals Service received information that BRADY was not residing at his registered address in Billings.

On September 25, 1992, in U.S. District Court in Billings, BRADY was convicted of voluntary manslaughter and sexual abuse of a child, both felonies. BRADY was sentenced to 188 months in prison for sexually abusing and killing AT, age 13 months. He served his prison time, and then was released under supervision. BRADY was required to register as a sexual offender as part of the judgment and sentence and knew of that requirement.

In May 2008, BRADY registered using the address of the Billings Rescue Mission. He resided there until May 21, but was then absent until June 15. He resided there again until July 9, and then was absent again until his arrest on October 7, 2008.

The Yellowstone County Sheriff's Office verified that BRADY had not changed his address for registration as a sexual offender as required by law. The Montana Sexual and Violent Offender Registry confirmed that BRADY is currently out of compliance with Montana's Sexual Offender Registry requirements and has been so for the time periods noted above.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

DARWIN DAVID CRAWFORD

On June 25, 2009, DARWIN DAVID CRAWFORD, a 42-year-old resident of Browning, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 5 years

CRAWFORD was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 5, 2009, the Great Falls Tribune published a story indicating that CRAWFORD, a prior convicted sexual offender, was living on the Blackfeet Indian Reservation and that he had failed to register or update his registration as required by Montana law.

The U.S. Marshal's Service began an investigation. CRAWFORD had been convicted of felony sexual assault on April 6, 2006, in the Montana Eighth Judicial District Court. CRAWFORD was sentenced to 8 years suspended prison time for sexually assaulting a nine-year-old girl. Based on his conviction, CRAWFORD was required to register as a sexual offender and was informed of that obligation during his sentencing and in his judgment.

CRAWFORD ultimately moved to the Blackfeet Indian Reservation and failed to update his registration with the Montana Sexual and Violent Offender Registry. CRAWFORD had registered while living with his mother in Browning; however, he moved from that residence while on state supervision for the above sex offense and failed to notify either his state supervising probation officer or the Montana Sexual Offender Registry that he had moved.

The Montana Sexual and Violent Offender Registry confirmed that CRAWFORD did not register or update his registration as required by law and the Glacier County Sheriff's Office also verified that he had not registered or updated his registration through their office.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

JOHN JAY DIETRICH

On March 24, 2009, before Senior U.S. District Judge Charles C. Lovell, JOHN JAY DIETRICH, a 59-year-old resident of Helena, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100

- Supervised Release: life

DIETRICH was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In April of 2008, the U.S. Marshals Service received information that DIETRICH, a prior convicted sexual offender from the State of Montana, was believed to have left his last known registered address in Nevada, traveled to Montana, and was residing in the Helena area.

In July of 1989, DIETRICH had been convicted of incest, a felony, in Lewis and Clark County. DIETRICH was sentenced to term of imprisonment at the Montana State Prison. He served a portion of his sentence and was released. DIETRICH was required to register under the Sexual Offender Registration and Notification Act due to his conviction for incest under Montana law. DIETRICH last filled out a sexual offender registration form on January 11, 2007, in Nevada, wherein he notified the State of Nevada of his registration address. He wrote a letter to the registry on October 17, 2007, informing them he was leaving his residence due to a gambling problem and that he would be homeless but would check in. He then left Nevada and traveled to Montana where he has been residing in the Helena area.

DIETRICH failed to register at any time in Montana since his arrival date. The Montana Sexual and Violent Offender Registry confirmed that DIETRICH was out of compliance with Montana's Sexual Offender Registry requirements and had been so since entering Montana. DIETRICH was designated as a non-compliant registered sexual offender under the laws of Nevada as well.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

CLIFFORD W. EAGLE

On January 15, 2009, CLIFFORD W. EAGLE, a resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

EAGLE was sentenced in connection with his guilty plea to failure to register as a sex offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 31, 2008, a Deputy U.S. Marshal received information that EAGLE, a convicted sexual offender from the State of Oklahoma, was believed to have left some time after December 13, 2007, from his last known registered mailing address in Oklahoma City, Oklahoma and was residing in the Billing area.

EAGLE had been convicted of First Degree Felony Rape by Instrumentation on March 25, 2003, in Pittsburg County, Oklahoma. The victim had been a three year old child. EAGLE was sentenced to 10 years prison time with 5 years suspended. He was released to the Oklahoma Department of Corrections Supervised Release Program in Oklahoma on March 1, 2007. Based on the Oklahoma Department of Corrections designating EAGLE as an aggravated sex offender, EAGLE was required to register as a sexual offender for life. EAGLE was registering daily as a sexual offender with the Oklahoma City Police Department because residential status as homeless in Oklahoma requires daily registration. The Oklahoma State Department of Corrections Probation Office made several checks in 2007 and on several occasions EAGLE was located at residences with physical addresses but EAGLE was still maintaining a transient status.

EAGLE ultimately traveled to Montana and failed to register at any time in Montana from his approximate arrival date in February. EAGLE registered to live at the Billings Rescue Mission on February 5, 2008, to receive assistance and shelter. On February 11, 2008, EAGLE was contacted by the Billings Police Department because he appeared intoxicated. The officer on scene ran a routine wants and warrants check on EAGLE. The officer learned EAGLE was a convicted sex offender and advised him that he needed to register. The Billings Police Department again made contact with EAGLE on March 21, 2008, and arrested EAGLE based on an arrest warrant from Oklahoma based on violations of his probation.

The Montana Sexual and Violent Offender Registry confirmed that EAGLE did not register as required by law and the Yellowstone County Sheriff's also verified that he had not registered through their office.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

ISAIAH THOMAS FOLLET

On December 2, 2009, ISAIAH THOMAS FOLLET, a 27-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100

- Supervised Release: lifetime

FOLLET was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On September 7, 2001, in the Fort Peck Tribal Court, FOLLET was convicted of aggravated sexual assault on a child. FOLLET was sentenced to 90 days incarceration and ordered to register as a sexual offender. FOLLET was informed of that obligation during his sentencing and in the court's judgment.

FOLLET resided in Wolf Point on the Fort Peck Indian Reservation and registered his address with the Fort Peck Tribal Registry. He last updated his registration on May 14, 2008. When a Fort Peck Reservation's Tribal Compliance officer went to FOLLET'S registered residence, he determined that FOLLET was no longer living there and had possibly moved to Billings the first part of December 2008.

On December 30, 2008, the Compliance officer notified the U.S. Marshals Service that FOLLET had left his last known registered residence in Wolf Point and moved to Billings and that he had failed to register or update his registration as required by Montana law.

A review of the Montana Sexual and Violent Offender Registry confirmed that FOLLET did not register with them as required by law and the Fort Peck Tribe also verified that he had not updated his registration through their office.

The investigation was a cooperative effort between the Fort Peck Reservation's Tribal Compliance Office and the U.S. Marshals Service.

LOUIE DONALD IRON BEAR

On September 23, 2009, LOUIE DONALD IRON BEAR, a 33-year-old resident of Poplar, was sentenced to a term of:

- Prison: 20 months
- Special Assessment: \$100
- Supervised Release: 5 years

IRON BEAR was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In February of 2009, the U.S. Marshal's Service received information from the Roosevelt County Sheriff's Office that IRON BEAR, a convicted sexual offender, was not currently properly registered and living in Poplar.

Court records reflect that in 2000, IRON BEAR was convicted of felony sexual abuse of a minor in federal district court in Montana. IRON BEAR was sentenced to 30 months prison to be followed by supervised release. Based on his conviction, IRON BEAR was required to register as a sexual offender. IRON BEAR registered at an address in Poplar when he last registered at the end of October, 2008.

When a check of that residence was done in February 2009, IRON BEAR was not living there. The current resident reported that IRON BEAR had moved out three months earlier and moved to a new address to live with his girlfriend. IRON BEAR'S girlfriend confirmed that he was living with her at a new address. IRON BEAR did not update his registration as required by law.

The Montana Sexual and Violent Offender Registry confirmed that IRON BEAR was out of compliance with Montana's Sexual Offender Registry requirements for failing to update his registration in Montana.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Roosevelt County Sheriff's Office and the U.S. Marshals Service.

THOMAS JOHN LATTERELL

On June 8, 2009, THOMAS JOHN LATTERELL, a 46-year-old resident of Westby, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 5 years

LATTERELL was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 13, 2008, Sheridan County dispatch received a 911 hang up call from LATTERELL'S residence in Westby. A deputy then made contact with LATTERELL and subsequently learned that LATTERELL had a felony conviction requiring him to register as a sexual offender.

In September of 1996, LATTERELL had been convicted for felony assault with the intent to commit sexual abuse causing bodily injury in Iowa. LATTERELL was therefore required to register under the Sexual Offender Registration and Notification Act due to his conviction. LATTERELL registered as a sexual offender in Iowa in June of 2006, and updated that registration in November of 2006. He subsequently moved to Montana where he was residing in Westby.

The Montana Sexual and Violent Offender Registry confirmed that LATTERELL had not registered or updated his registration as required by law and the Sheridan County Sheriff's Office also verified that he had not registered or updated his registration through their office, thus he was out of compliance.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

KENNETH LEE LOOKSBEHIND

On February 25, 2009, KENNETH LEE LOOKSBEHIND, a 53-year-old resident of Billings/Busby, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 5 years

LOOKSBEHIND was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 28, 1995, LOOKSBEHIND was convicted of second degree rape, a felony, in Spokane County Washington. LOOKSBEHIND was sentenced to 62 months in prison. After serving his sentence, he was released to probation in Washington. LOOKSBEHIND was required to register as a sexual offender as part of his sentence and knew of that requirement. LOOKSBEHIND also was informed that he needed to provide written notice of any change in address.

LOOKSBEHIND ultimately traveled to Montana, where he resided in the Busby area. LOOKSBEHIND registered with Montana Disability Determination Services (Social Security Disability Income) to receive monetary benefits, giving a mailing address in Busby. LOOKSBEHIND failed to register at any time in Montana from his approximate arrival date in May of 2008.

In July 2008, the United States Marshals Service received information that

LOOKSBEHIND, a prior convicted sexual offender from the State of Washington, was believed to have left his last known registered address in Spokane, Washington, and was receiving government disability checks in Busby.

The Yellowstone County Sheriff's Office, the Bighorn County Sheriff's Office, and the Northern Cheyenne Tribal Police all verified that LOOKSBEHIND had not registered.

The Montana Sexual and Violent Offender Registry confirmed that LOOKSBEHIND was currently out of compliance with Montana's Sexual Offender Registry requirements and had been so since entering Montana in approximately May of 2008.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the United States Marshals Service.

WILLIAM CHARLES REDLEGS

On August 5, 2009, WILLIAM CHARLES REDLEGS, a 48-year-old resident of Billings, was sentenced to a term of:

- Prison: 13 months
- Special Assessment: \$100
- Supervised Release: 5 years

REDLEGS was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On March 24, 1992, in U.S. District Court in Billings REDLEGS was convicted of incest, a felony. REDLEGS was sentenced to 27 months in prison. He served his prison time and was placed on supervised release. REDLEGS was required to register as a sexual offender as part of the sentence and knew of that requirement.

In August 2008, a Deputy U.S. Marshal received information that REDLEGS was not residing at his registered address in Billings.

REDLEGS had registered in July 2007 using an address in Billings. In September of 2007, personnel from the Yellowstone County Sheriff's Office (YCSO) attempted to verify his address at that location and left a note on the door to contact the YCSO. The person actually residing there contacted the YCSO the next day and reported that REDLEGS did not reside there, but she had allowed him to use her address for mail service. She reported a potential employer of REDLEGS. The employer reported that he had not worked there for several months.

The Montana Sexual and Violent Offender Registry confirmed that REDLEGS was out of compliance with Montana's Sexual Offender Registry requirements and had been so since approximately September 2007.

The investigation was conducted by the U.S. Marshals Service.

BENEDICT DANIEL SHOULDERBLADE

On October 14, 2009, BENEDICT DANIEL SHOULDERBLADE, a 28-year-old resident of Billings, was sentenced to a term of:

- Prison: 17 months
- Special Assessment: \$100
- Supervised Release: 10 years

SHOULDERBLADE was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

In April of 2000, SHOULDERBLADE was convicted of misdemeanor sexual assault in Rosebud County.

On December 15, 2004, SHOULDERBLADE was convicted of assault with intent to commit a felony (sexual battery) in Tulsa County Court, Oklahoma. SHOULDERBLADE was sentenced to 24 months custody of the Oklahoma Department of Corrections. SHOULDERBLADE was required to register as a sexual offender because of his Oklahoma conviction. Upon release from prison, SHOULDERBLADE completed a Notice of Duty to Register Form on July 24, 2006, acknowledging his requirements to register.

On June 4, 2008, SHOULDERBLADE traveled by bus from Oklahoma to Montana where he resided at the Montana Rescue Mission in Billings. SHOULDERBLADE has since been arrested on several occasions by the Billings Police Department and has never registered in the state of Montana.

The Montana Sexual and Violent Offender Registry confirmed that SHOULDERBLADE did not register or update his registration as required by law and is currently out of compliance with Montana's Sexual Offender Registry requirements. The Yellowstone County Sheriff's Office also verified that he had not registered or updated his registration through their office.

The investigation was conducted by the U.S. Marshals Service.

RALPH VERNON TURNSPLENTY

On February 11, 2009, RALPH VERNON TURNSPLENTY, a 32-year-old resident of Billings, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Supervised Release: 5 years

TURNSPLENTY was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 9, 2008, the U.S. Marshals Service received information that TURNSPLENTY, a prior convicted federal sexual offender, was believed to have failed to register or update his registration for his current home address in Billings.

TURNSPLENTY had been convicted of felony sexual abuse of a minor or ward in 1997 in the Billings Division of Federal District Court. TURNSPLENTY was originally sentenced to 18 months in custody, with supervised release to follow. His supervised release was later revoked several times and he was returned to prison.

TURNSPLENTY was required to register as a sexual offender as part of the judgment. TURNSPLENTY last filled out a sexual offender registration form showing that he was moving to Wyoming. However, he then returned to Montana without updating that registration information to indicate that he had returned to Montana and what his current address was.

A review of the Montana Sexual and Violent Offender Registry confirmed that TURNSPLENTY did not update his registration as required by law. It is currently showing him on inactive status and residing in Wyoming. The Registry confirmed that TURNSPLENTY is currently out of compliance with Montana's Sexual Offender Registry requirements and has been so since at least 2007.

TURNSPLENTY has been arrested several times over the last several years in Billings, and has had various residences in Billings, none of which he registered as his home address in the registry.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

SANTIAGO VALDEZ

On June 25, 2009, SANTIAGO VALDEZ, a 53-year-old resident of Hardin, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Supervised Release: 20 years

VALDEZ was sentenced after having been found guilty during a 1-day trial of failure to register as a sexual offender.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

JESSIE PHILLIP YELLOWROBE

On July 30, 2009, JESSIE PHILLIP YELLOWROBE, age 55, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: lifetime

YELLOWROBE was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On May 13, 2004, YELLOWROBE was sentenced to 21 months custody followed by three years supervised release for a conviction of abusive sexual contact.

YELLOWROBE served his time and was released, but then revoked for violating various conditions of supervised release.

When released from prison again in February 2008, YELLOWROBE registered with the Yellowstone County Sheriff's Office, listing the Montana Rescue Mission as his residence. When contacted by a probation officer in March, the Rescue Mission reported that YELLOWROBE had not lived there since February 18, 2008, and his whereabouts were unknown.

YELLOWROBE was finally located and arrested on March 20, 2008, but he had not been at his registered address during any of that time period.

The Montana Sexual and Violent Offender Registry confirmed that YELLOWROBE did not update his registration as required by law and the Yellowstone County Sheriff's Office also verified that he had not updated his registration through their office.

The investigation was conducted by the U.S. Marshals Service.

CHILD PORNOGRAPHY and COERCION/ENTICEMENT

RICHARD JOHN BAXTER

On September 30, 2009, RICHARD JOHN BAXTER, a resident of Billings, was sentenced to a term of:

- Prison: 210 months, consecutive to a state sentence
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 20 years

BAXTER was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

In July 2007, BAXTER came under investigation by the Billings Police Department when it was alleged that he had sexually abused a 7-year-old female child. BAXTER had been discussing that sexual abuse with someone while chatting via the Internet and that chat was found by the child's mother. The child was questioned and disclosed that she had been sexually abused by BAXTER on several occasions. She also reported that BAXTER had been watching a movie of another little girl "touching her peepee" on the computer.

As part of that investigation, BAXTER'S computer was seized and forensically examined. Found were numerous images and videos of child pornography that BAXTER received and possessed via the Internet. The images included images of prepubescent children engaged in sexual activity, and engaged in sadistic or masochistic conduct or other depictions of violence.

BAXTER pled guilty to the sexual abuse of the minor female in Yellowstone County in state court and has been sentenced.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation and the Billings Police Department.

STEVEN BITNER

On April 3, 2009, STEVEN BITNER, a 37-year-old resident of Banks, Oregon, was sentenced to a term of:

- Prison: 210 months
- Special Assessment: \$200
- Forfeiture: \$200
- Supervised Release: life

BITNER was sentenced in connection with his guilty plea to advertisement and distribution of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 27, 2006, a cooperating witness (CW) was online on the Internet. The CW logged into the UnderNet IRC server, in a channel entitled “#aLLgirls.” An individual by the screen name “Howdy” advertised files available for distribution. The file names were indicative of child pornography, so the CW immediately provided the information to an agent with the Montana Cyber Crime Task Force.

The agent went to the location identified by the CW and uploaded two files to receive the needed credit to download files from “Howdy.” With the acquired credit, the agent downloaded nine files from “Howdy.” Six of the nine files contained graphic images and the remaining three files contained movies. Pre-pubescent children engaged in sexually explicit conduct were in both the images and movies.

“Howdy” was identified by law enforcement as BITNER. Further investigation revealed that an undercover FBI agent in Baltimore, Maryland, had also chatted and downloaded child pornography images from BITNER in 2005.

Agents seized several items from BITNER’S residence. A substantial child pornography collection was recovered from BITNER’S digital media. BITNER used the Internet to advertise and distribute the images of child pornography.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the U.S. Immigration and Customs Enforcement and the Billings Police Department.

PAUL BLINKINSOP

On March 12, 2009, PAUL BLINKINSOP, a 31-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$100
- Supervised Release: 5 years

BLINKINSOP was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children (ICAC) Task Force initiated an operation targeting peer-to-peer file sharing networks offering child pornography. In February 2008, it was determined that a computer utilizing an IP address assigned to BLINKINSOP had images of child pornography available to other peer to peer users.

The Air Force Office of Special Investigations along with U.S. Immigration and Customs Enforcement agents followed up the lead by interviewing BLINKINSOP, who admitted to using the LimeWire file sharing program. He also admitted that he had seen child pornography and that he had used search terms such as 'teenage' and 'schoolgirl' in searching for pornography.

A forensic analysis of BLINKINSOP'S computer and storage devices revealed more than 600 images of child pornography including 42 videos. The images included depictions of children under the age of twelve and penetration. The videos had file creation dates ranging from April 2003 through February 2008. BLINKINSOP used the Internet to download the images and ultimately moved and saved them to electronic storage devices.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Air Force Office of Special Investigations.

ANTHONEY MITCHEL BROOKS

On July 15, 2009, ANTHONY MITCHEL BROOKS, a 27-year-old resident of Codorus, Pennsylvania, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$200
- Forfeiture: computer equipment
- Supervised Release: life

BROOKS was sentenced after having been found guilty during a 2-day trial of advertisement and distribution of child pornography.

At trial, Assistant U.S. Attorney Marcia K. Hurd presented evidence of the following:

On August 4, 2006, an agent with the Federal Bureau of Investigation in Billings was online on the Internet, logged into the UnderNet IRC server, in a channel entitled “#aLLgirls.” An individual by the screen name “bajesus” advertised files available for distribution. The file names were indicative of child pornography. The agent uploaded a public access file to receive the needed credit to download files from “bajesus.” With the acquired credit, the agent downloaded ten graphic image files and two movie files from the f-serve. Pre-pubescent children engaged in sexually explicit conduct were in both the images and movies.

An administrative subpoena was served and “bajesus” was identified as Anthoney Mitchel Brooks of Codorus, Pennsylvania.

On March 5, 2007, a search warrant was executed on BROOKS’ residence in Pennsylvania. Agents seized several items and sent them to the Billings FBI office for forensic examination. A number of graphic files and a number of movie files containing child pornography were recovered from BROOKS’ digital media. BROOKS used the Internet to advertise and distribute the images of child pornography. The images included prepubescent children, sadistic or masochistic abuse or other forms of violence. BROOKS had categorized the images in his f-serve, including the child pornography images under various labels indicative of the activities in the images and movies.

The investigation was conducted by the Federal Bureau of Investigation.

KYLE G. BURRIS

On September 15, 2009, KYLE G. BURRIS, a 39-year-old resident of Tonawanda, New York, was sentenced to a term of:

- Prison: 188 months
- Special Assessment: \$600
- Supervised Release: lifetime

BURRIS was sentenced in connection with his guilty plea to attempted sexual exploitation of children, distribution of child pornography, and attempted distribution of child pornography to a minor.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September of 2008, an FBI agent in Montana, operating on the Internet in an undercover capacity posing as a single mother with two preteen daughters, was contacted by BURRIS of New York. BURRIS engaged the agent in a conversation

about having sex with the daughters, and then sent the agent pictures of children engaged in sexually explicit conduct.

During their conversations, BURRIS distributed pictures of children engaged in sexually explicit conduct to the agent on September 27, October 20, and October 24-25, 2008.

On September 27, 2008, BURRIS sent pictures of children engaged in sexually explicit conduct and told the agent to show them to the daughters, in an effort to ready them for sexual activity and pictures to be taken of them. BURRIS repeatedly referenced the agent having sexual activity with the daughters, and then on October 24-25, instructed the undercover agent in how to molest the girls and take pictures of them to send to BURRIS.

BURRIS requested that the two talk by telephone, so the agent utilized a female confidential informant to speak with BURRIS. BURRIS discussed traveling to Montana to have sex with the two daughters and instructed the agent on how to send the sexually explicit photographs of the daughters to him via the Internet.

BURRIS reported that the pictures of children he had sent on numerous occasions to the agent were sent to him by others who were molesting their children and photographing the images for his benefit.

On November 20, 2008, the FBI served a search warrant on BURRIS' residence in Tonawanda, New York. Numerous items of computer equipment containing images of child pornography were recovered. When questioned, BURRIS admitted to his activities and also admitted that he had molested several children in his neighborhood as well.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department, the Federal Bureau of Investigation, the Montana Division of Criminal Investigation, and the U.S. Immigration and Customs Enforcement.

DENISE MARSH CARLSON

On September 21, 2009, DENISE MARSH CARLSON, a 47-year-old resident of Plentywood, was sentenced to a term of:

- Prison: 98 months
- Special Assessment: \$100
- Restitution: to be determined
- Supervised Release: life time

CARLSON was sentenced in connection with her guilty plea to receipt of child

pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Agents with the U.S. Immigration and Customs Enforcement (ICE) were investigating allegations of child pornography access by users utilizing the peer-to-peer file sharing network. One investigation involved a person in Plentywood who had child pornography available to share via a file sharing program beginning in 2008. The computer IP address was tracked to the CARLSON residence in Plentywood.

In October of 2008, a search warrant was served on the CARLSON home. Agents spoke with CARLSON'S husband and minor children, all of whom reported that they did not use file sharing software. They reported that their mother, CARLSON, also had a computer and that she was working in Billings as a travel nurse. Agents in Billings went to the residence where CARLSON was residing and spoke with her. When questioned, CARLSON admitted that she used the peer-to-peer file sharing program Limewire to receive and possess hundreds of child pornography videos and images from approximately 1999 through the present.

Agents seized various computer equipment and subsequent forensic examination revealed hundreds of images and movies of child pornography that CARLSON had received via the Internet during 1999 through 2008 and continued to possess until the equipment was seized. CARLSON possessed images and movies of children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

JON ARNOLD CHAUSSEE

On May 21, 2009, JON ARNOLD CHAUSSEE, a 50-year-old resident of Missoula, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 10 years

CHAUSSEE was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

In July 2007, the Missoula Police Department was advised that a computer belonging to CHAUSSEE had been brought to a local computer store for repair. While backing up the information on the computer, the computer technician found a video containing child pornography. A search warrant for the computer was issued and the computer seized. Found during forensic examination were a large amount of child pornography videos containing prepubescent children engaged in sexually explicit conduct.

When questioned, CHAUSSEE first blamed an unknown family member, but then admitted that he had received the images and movies of child pornography via the internet and his home computer. Forensic evidence also shows that CHAUSSEE burned some of the movies to a CD from the computer prior to having it taken in for repairs.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula Police Department and the Federal Bureau of Investigation.

THURMAN CROSSWHITE

On April 9, 2009, THURMAN CROSSWHITE, a 37-year-old resident of Billings, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 10 years

CROSSWHITE was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

U.S. Immigration and Customs Enforcement (ICE) agents were investigating allegations of child pornography access by users utilizing peer-to-peer file sharing networks. One investigation involved a person in Billings who had child pornography available to share via a file sharing program beginning in 2006 and continuing through December 2007. Law enforcement tracked the computer IP address to CROSSWHITE'S residence in Billings.

On December 17, 2007, a search warrant was served on CROSSWHITE'S residence. CROSSWHITE agreed to talk to the agents and provided a written statement. He

admitted to utilizing peer-to-peer software to obtain images of child pornography. He stated that he first began acquiring and viewing child pornography images in approximately 1994. He further stated that his previous computer, which he had sold to his sister-in-law, was also used to download child pornography images.

A forensic examination was done on CROSSWHITE'S computer. Numerous child pornography video files and hundreds of child pornography images were found. Other child pornography images were found on his old computer as well. The images included children under the age of 12 or prepubescent, as well as children engaged in sadistic or masochistic abuse or other depictions of violence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, and the Billings Police Department.

ROBERT ALAN CUMMINGS

On March 17, 2009, ROBERT ALAN CUMMINGS, a 46-year-old resident of Helena, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 5 years

CUMMINGS was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 25, 2008, a Helena Police Detective received information that a Montana Department of Transportation (DOT) employee had potentially accessed child pornography via a state owned computer. The employee was identified as CUMMINGS.

A network software analyst had been alerted to a possible virus entering the DOT system and identified the user of the machine that received the incoming virus as CUMMINGS. When accessing CUMMINGS' directory, the analyst found and accessed an external device attached to the State owned computer and found images of child pornography. The hard drives were seized and a search warrant obtained.

A preliminary examination of the computer equipment found images of child pornography, including images of clearly prepubescent children, and children engaged

in sadistic or masochistic abuse or other forms of violence.

When interviewed, CUMMINGS admitted that he had had an interest in child pornography for the past twenty years and that he had been accessing and storing child pornography via the Internet for the last ten years. CUMMINGS reported that the hard drive hooked to his State computer was his and that he had child pornography images on it. After CUMMINGS was placed on leave from DOT, he admitted that he returned home and deleted a folder off his home computer. CUMMINGS reported that he transferred all of his child pornography images from the CDs he had burned onto the external hard drive he owned. His preference was for children between the ages of 8 and 13.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department and the Federal Bureau of Investigation.

MICHAEL JOSEPH DIFRANCESCO

On May 21, 2009, MICHAEL JOSEPH DIFRANCESCO, a 48-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 10 years

DIFRANCESCO was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

U.S. Immigration and Enforcement (ICE) agents were investigating allegations of child pornography access by users utilizing the peer-to-peer file sharing network. One investigation involved an individual in Bozeman who had child pornography available to share via a file sharing program, beginning in April 2008 and continuing through July 2008. The computer IP address was tracked to the DIFRANCESCO residence in Bozeman.

On July 17, 2008, agents executed a search warrant on DIFRANCESCO'S residence. When questioned, DIFRANCESCO admitted that he used the peer-to-peer file sharing program Limewire and that he used the program to search for child pornography images.

A subsequent forensic examination of his computer equipment revealed hundreds of images and movies of child pornography that DIFRANCESCO had received via the Internet during 2003 through 2008 and continued to possess until the service of the warrant. DIFRANCESCO possessed images and movies of children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Montana Division of Criminal Investigation, the Helena Police Department, and the Federal Bureau of Investigation.

KENNETH ROBERT HALL

On March 27, 2009, KENNETH ROBERT HALL, a 64-year-old resident of Elliston, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 7 years

HALL was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in April 2006, the ICE Cyber Crimes Center (C3) initiated an investigation into a criminal organization operating approximately 18 commercial child pornography websites on the Internet. The investigation, known as Operation Flicker, has identified nearly 5,000 people in the United States alone who have paid to subscribe to child pornography websites operated by this organization. The criminal organization operating the commercial child pornography websites was "Home Collection." The organization used various PayPal accounts in various business names to process the payments for access to these member-restricted websites.

C3 agents made numerous undercover purchases of child pornography from the organization's various websites. They used the organization's various business name PayPal accounts to send in payment, including "Bullet Proof Soft" as one of the businesses.

C3 sent leads to ICE field offices to investigate their local purchasers. An agent was assigned to a lead involving HALL as a purchaser during Operation Flicker. On December 3, 2006, HALL had purchased access to a member restricted website

associated with the subject identifier "Boys Say Go" and paid \$79.95 for a 30-day subscription to the site. He made the payment to the PayPal account for "Belfast LTD," known to be one of the organization's businesses.

On July 23, 2007, agents went to HALL'S residence and seized his computer. A forensic examination found numerous images of child pornography saved in HALL'S user area. Evidence of his membership and visits to the website were also found. The images included prepubescent children or children under the age of 12, and images of sadistic or masochistic conduct or other depictions of violence. The images were received by HALL via the Internet and his computer.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Montana Division of Criminal Investigation and the Helena Police Department.

JASON RYAN HOLDEN

On April 6, 2009, JASON RYAN HOLDEN, a 20-year-old resident of Havre, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: lifetime

HOLDEN was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In May 2008, an FBI operation targeting peer-to-peer file sharing networks offering child pornography determined that a computer in a Havre residence had images of child pornography available to other peer-to-peer users.

When contacted by FBI agents at the residence, HOLDEN admitted to using the LimeWire file sharing program to download child pornography to his computers. HOLDEN informed the agents that he had started downloading the images in 2006. HOLDEN admitted that he had downloaded images depicting children from two years of age to sixteen years of age. He further admitted that the images were of nude children and children engaged in sexual acts. HOLDEN stated that he downloaded approximately 2,500 images of child pornography between 2006 and 2008.

A forensic analysis of HOLDEN'S computer revealed more than 600 images of child

pornography, including 180 graphic still images and 14 videos. The images included depictions of sexual penetration of children under the age of twelve. The images of child pornography on HOLDEN'S computer were downloaded from the Internet, primarily through the LimeWire file sharing program.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DANIEL JASON HUNTSINGER

On June 12, 2009, DANIEL JASON HUNTSINGER, a 38-year-old former police officer and resident of Missoula was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 3 years

HUNTSINGER was sentenced in connection with his guilty plea to receipt of obscene material.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In April of 2006, the U.S. Immigration and Customs Enforcement (ICE) began an investigation into commercial websites that were offering pay subscriptions to pornography and erotica depicting persons under the age of eighteen years. HUNTSINGER was among those who purchased access to a site during December of 2006. HUNTSINGER used his Sears Mastercard, a Pay-Pal account, his e-mail address, and a neighbor's unsecured wireless Internet service to make a purchase in the amount of \$79.95 to a website entitled "Lolitas on Holiday" and "LOH Collection." HUNTSINGER used a box number assigned to the federal law enforcement taskforce to which he was detailed at the time for the address on the Mastercard. He used a computer belonging to the Missoula Police Protective Association, of which he was then president, to access the site.

Based upon the credit card purchase of access to the site, ICE applied for and obtained a search warrant on September 10, 2007, and law enforcement agents served the search warrant on September 12, 2007. Seized was a computer belonging to the Missoula Police Protective Organization which HUNTSINGER had been using. The computer was sent for forensic examination.

Forensic examination of the computer revealed that HUNTSINGER had used the computer to access the purchase site, as well as used the computer to search the Internet for various other types of images. Some of the images found were obscene, in

that they were images of persons under the age of 18 years engaged in sexually explicit conduct by a lascivious exhibition of their genital areas. The images had been received via an interactive computer service and HUNTSINGER'S assigned computer. HUNTSINGER had also visited other pornography websites involving persons under the age of 18 years as evidenced by the Internet banners located on the computer.

United States Attorney Bill Mercer said: "The U.S. Attorney's Office for the District of Montana, working with our partners statewide in federal, state, and local law enforcement as part of Project Safe Childhood, will continue to aggressively prosecute those that possess images that were created through the exploitation of one of our most vulnerable populations -- kids."

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

ROBERT LEE ISBELL

On December 18, 2009, ROBERT LEE ISBELL, a 39-year-old resident of Seeley Lake, was sentenced to a term of:

- Prison: 72 months
- Special Assessment: \$100
- Forfeitures: computers
- Supervised Release: 15 years

ISBELL was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by Assistant U.S. Attorney Cyndee L. Peterson, the government stated it would have proved at trial the following:

In July of 2007, it was reported to the Missoula Police Department and the Federal Bureau of Investigation that ISBELL had child pornography on his computer. An FBI agent investigated the report and obtained a search warrant for ISBELL'S residence. The warrant was served on July 10, 2007. Several computers and miscellaneous other items were seized. ISBELL was present and was interviewed at the residence.

ISBELL admitted he started viewing child pornography on the Internet about 2 years prior. He also admitted he downloaded and viewed child pornography.

ISBELL'S computers and media were forensically analyzed. The examiners found child pornography on ISBELL'S Dell computer, which had 2 hard drives.

The child pornography images were viewed by an agent who determined ISBELL had

106 image files and 8 movies files of child pornography. Approximately 50% of the images depicted pre-pubescent children. The images also depicted bondage/violence. The agent also located other relevant evidence: 222 images of child erotica and thousands of files contained drawings or cartoon images depicting sexually explicit images of adults and children, including child bondage and urination. The agent was able to identify 12 image files which contained known child victims.

The investigation was a cooperative effort between the Missoula Police Department and the Federal Bureau of Investigation.

RONALD LEWIS KERCHER II

On July 1, 2009, RONALD LEWIS KERCHER II, a resident of Billings, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Supervised Release: 7 years

KERCHER was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 30, 1998, in Jefferson County, KERCHER was convicted of felony sexual intercourse without consent, the victim being a 13-year-old female. KERCHER was sentenced to 5 years in prison with the provisions that he was required to register as a sex offender and could not associate with children under 18 years of age without a responsible adult present. KERCHER was designated as Tier 2 offender by the same court.

On March 3, 2003, KERCHER was registered as a sex offender after his release from prison.

KERCHER ultimately failed to register in Yellowstone County. On February 21, 2008, a felony bench warrant of arrest for failure to register as a sex offender was issued.

On March 12, 2008, the U.S. Marshals Service Montana Violent Offender Task Force (MVOTF) located and arrested KERCHER based on the warrant.

On April 24, 2008, Yellowstone County District Court convicted KERCHER with the crime of failure to register as a sex offender and released KERCHER on the condition he make himself available on his sentencing date. KERCHER failed to appear for his sentencing date of August 29, 2008, and the court issued a bench warrant of arrest on September 4, 2008.

On September 9, 2008, task force members went to KERCHER'S last listed address in Billings and learned that he had been evicted and moved out sometime in early August, with no forwarding address information.

On October 8, 2008, KERCHER was arrested by the Woodstock Police Department in Woodstock, Georgia, for driving while his license was suspended or revoked. A routine criminal history check revealed the active arrest warrant from Yellowstone County and indicated that KERCHER was a convicted sex offender. KERCHER was extradited back to Montana.

A review of the Montana Sexual and Violent Offender Registry and the Yellowstone County's Sheriff's Office's records confirmed that KERCHER had not registered as required. The Georgia Sex Offender Registry also confirmed that KERCHER never registered as required after moving to Georgia in approximately August of 2008.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

JAMES N. LASSITER

On August 24, 2009, JAMES N. LASSITER, a 29-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$100
- Supervised Release: lifetime

LASSITER was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by U.S. Attorney Bill Mercer, the government stated it would have proved at trial the following:

In June of 2008, U.S. Immigration and Customs Enforcement (ICE) agents received a peer-to-peer lead indicating a computer in Great Falls had files containing images of child pornography. The computer was identified as being owned by LASSITER.

ICE agents obtained a search warrant for LASSITER'S residence in Great Falls and LASSITER'S computers were seized. When the search warrant was served, LASSITER was interviewed. LASSITER admitted to viewing, saving, receiving and possessing child pornography videos and images on his computers.

A forensic analysis of LASSITER'S computers revealed 64 video files and 59 image files depicting child pornography. A number of file names indicative of child

pornography were located on a software program indicating those files had been played.

The investigation was conducted by U.S. Immigration and Customs Enforcement.

LAYMON PARKER McGAUGHEY III

On February 18, 2009, LAYMON PARKER McGAUGHEY III, a 57-year-old resident of Las Vegas, Nevada, was sentenced to a term of:

- Prison: 235 months
- Special Assessment: \$100
- Supervised Release: life time

McGAUGHEY was sentenced in connection with his guilty plea to transportation of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 19, 2005, McGAUGHEY was arrested at a residence in Billings on an outstanding warrant from Nevada. The warrant was for two counts of sexual assault of a victim under the age of 14 and three counts of lewdness with a minor under the age of 14. McGAUGHEY consented to a search of his computer which was located at the residence.

The computer, a flash drive, and 3 DVDs were examined and numerous images of child pornography were found, including images of known victims. Some of the children depicted in the images were clearly less than age 12 or prepubescent, and/or were engaged in sadism or masochism or other depictions of violence.

McGAUGHEY was subsequently convicted of the outstanding child sexual abuse charges from Nevada and was sentenced to prison time.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation, Immigration and Customs Enforcement, and the Billings Police Department.

DANIEL SCOTT MICHAELIS

On September 11, 2009, DANIEL SCOTT MICHAELIS, a 23-year-old resident of Billings, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Forfeiture: video camera
- Supervised Release: 2 years

MICHAELIS was sentenced in connection with his guilty plea to violation of record keeping requirements.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

In May of 2007, the U.S. Immigration and Customs Enforcement received information that MICHAELIS, then age 22, had produced a videotape of himself engaged in sexual activity with his then-girlfriend, who was 16 at the time. The tape was made in November or December of 2006. The tape, labeled "Daniel's Movie XXX" and the video camera used to produce the tape, were seized by the Billings Police Department. Both items traveled in interstate commerce to arrive in Montana where they were used to produce the images. MICHAELIS did not create and maintain individually identifiable records pertaining to every person portrayed in the videotape.

When questioned, MICHAELIS admitted that he had made the videotape. No such required records have been found.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Billings Police Department.

BRANDON KENT NEER

On December 3, 2009, BRANDON KENT NEER, a 23-year-old resident of Helena, appeared for sentencing. NEER was sentenced to a term of:

- Prison: 5 days
- Special Assessment: \$100
- Supervised Release: 20 years

NEER was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

An investigation began in April 2007, when a person using the screen name "brandonneer052002" began chatting with an undercover detective in Virginia he thought was a 13-year-old boy. "Brandonneer052002" sent the "boy" 16 images of a nude prepubescent boy and told the "boy" that he had orally sodomized an eleven-year-

old boy. The detective was able to identify the person behind the screen name as NEER. Further conversations by NEER included more distributions of child pornography, and requests to allow NEER to engage in sexual activity with the undercover detective. NEER also discussed traveling to meet for sexual activity. The case was turned over to the Federal Bureau of Investigation in Helena for further investigation.

In October 2007, the computer NEER had used to communicate with the detective via the Internet was recovered during a search of NEER'S residence in Helena. When questioned, NEER admitted that he had been collecting child pornography and that there would be child pornography found on his computer. He also admitted that he knew the activities were illegal and wrong.

A forensic examination of the computer found numerous images of child pornography that NEER had received via the Internet and continued to possess.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Helena Police Department, the Montana Division of Criminal Investigation and U.S. Immigration and Customs Enforcement.

DAVID GENE NORTON

On November 18, 2009, DAVID GENE NORTON, a 46-year-old resident of Billings, was sentenced to a term of:

- Prison: 160 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: lifetime

NORTON was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 15, 2008, deputies from the Yellowstone County Sheriff's Office responded to a report that a fifteen-year-old girl had been sexually assaulted by NORTON at his residence in Shepherd.

During the course of the investigation, the teen reported that NORTON also liked to view child pornography on their home computers. Two computers were seized from NORTON'S residence. A forensic examination revealed several hundred images of child pornography that NORTON had received via the Internet beginning on an unknown date through 2008 and continued to possess until the equipment was seized.

NORTON possessed images of children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence. Numerous searches for child pornography and incest images were also found.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Yellowstone County Sheriff's Office and the Montana Division of Criminal Investigation.

WILLIAM SCOTT PAISLEY

On February 12, 2009, WILLIAM SCOTT PAISLEY, a 54-year-old resident of Babb, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 3 years

PAISLEY was sentenced in connection with his guilty plea to receipt of obscene material.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The FBI received a referral alleging that PAISLEY, a band teacher at West Yellowstone High School, had used a school computer to access child pornography websites. The school's computer filtering program logged his access, which was reported to the school's information technology administrator.

A forensic examination was conducted of PAISLEY'S computer which found a small number of images of child pornography, older children posed in a lascivious exhibition of their genital areas. The images had been received via the Internet, an interactive computer service. When questioned, PAISLEY admitted that he had been viewing the pornography via the Internet and his school computer. He admitted that he had downloaded some of the images to floppy disks but that he had destroyed those disks in his wood stove after being caught. The activity occurred between 2005 and March 2007.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Federal Bureau of Investigation.

GAYLE EVERETT PATRICK

On March 16, 2009, GAYLE EVERETT PATRICK, a 71-year-old resident of Malta, was sentenced to a term of:

- Prison: 108 months
- Special Assessment: \$100
- Supervised Release: 5 years

PATRICK was sentenced after having been found guilty during a 1½-day trial of possession of child pornography.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Phillips County Sheriff's Office.

JEREMY CURTIS PETERSON

On December 11, 2009, JEREMY CURTIS PETERSON, a 31-year-old resident of Helena, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: lifetime

PETERSON was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia, the government stated it would have proved at trial the following:

Agents with U.S. Immigration and Customs Enforcement (ICE) were investigating allegations of child pornography access by users utilizing the peer-to-peer file sharing network.

In 2008, one investigation involved an individual in Helena who had child pornography available to share via a file sharing program. The computer IP address was tracked to a residence in Helena.

On January 23, 2009, agents served a search warrant on the residence where they spoke with PETERSON. When questioned, PETERSON admitted that he used the peer-to-peer file sharing program Limewire to receive and possess hundreds of child pornography videos and images.

Agents seized various computer equipment and a subsequent forensic examination

revealed hundreds of images and movies of child pornography that PETERSON had received via the Internet during 2007 through 2009 and continued to possess until the equipment was seized. PETERSON possessed images and movies of children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Helena Police Department, the U.S. Immigration and Customs Enforcement and the Montana Division of Criminal Investigation.

MARK ALAN PFEIFER

On January 22, 2009, MARK ALAN PFEIFER, a 33-year-old resident of Decatur, Illinois, was sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$200
- Forfeiture: computer equipment
- Supervised Release: 7 years

PFEIFER was sentenced in connection with his guilty plea to advertisement and distribution of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 14, 2006, an FBI agent in Billings was on the Internet looking for f-serves advertising and distributing child pornography when he saw an advertisement from “dreako” that read, “A constantly growing server focused on teens. Well sorted and I’m always adding new pics and movies. Send full series pics or large movies for extra credit and/or leech.”

The FBI agent uploaded an unreadable, encrypted file to “dreako’s” f-serve and received credit that allowed him to download one graphic image file of child erotica and six movie files of child pornography. While the images were distributed to him, he captured “dreako’s” IP address and ultimately identified him as PFEIFER of Decatur, Illinois. The agent then drafted a search warrant for PFEIFER’S home and forwarded it to the FBI office in Decatur.

On October 27, 2006, agents served a search warrant on PFEIFER’S residence in Illinois. The search team seized numerous items of computer equipment and related paraphernalia and questioned PFEIFER about his f-serve. PFEIFER admitted operating an f-serve to advertise and distribute child pornography. Forensic analysis found over 5,000 graphic image files and 32 video files containing child pornography.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the U.S. Immigration and Customs Enforcement, and the Billings Police Department.

ANDREW JACOB POLASCHEK

On April 29, 2009, ANDREW JACOB POLASCHEK, a 24-year-old resident of Billings, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 7 years

POLASCHEK was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

U.S. Immigration and Customs Enforcement (ICE) agents were investigating allegations of child pornography access by users utilizing the peer-to-peer file sharing network. One investigation involved a person in Billings who had child pornography available to share via a file sharing program beginning in August 2007. The computer IP address was tracked to a residence in Billings where agents executed a search warrant on December 5, 2007.

POLASCHEK was residing at the residence. He admitted to downloading child pornography to his computer. POLASCHEK stated that he had a problem with looking at child pornography and estimated he had downloaded approximately fifty (50) videos of child pornography but would keep only about three or four at a time on his computer because he knew he shouldn't be doing it. He indicated that he had a reoccurring problem with downloading and viewing child pornography. A forensic analysis of POLASCHEK'S computer revealed images and videos of child pornography.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the U.S. Immigration and Customs Enforcement, and the Billings Police Department.

TOBY RENNER

On January 30, 2009, TOBY RENNER, a 26-year-old resident of Butte, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: 10 years

RENNER was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

U.S. Immigration and Customs Enforcement (ICE) agents were investigating allegations of child pornography access by users utilizing the peer-to-peer file sharing network. One investigation involved a person in Butte who had child pornography available via a file sharing program beginning in early 2007. ICE Agents tracked the computer IP address to a residence in Butte where they executed a search warrant on April 17, 2007.

RENNER was the owner of the residence and the computer in question. When questioned, RENNER admitted that he had allowed James Winn to live at the residence, knowing he was a prior convicted sexual offender. RENNER stated that Winn used RENNER'S computer and downloaded child pornography images via the Internet. RENNER admitted that he copied some of the child pornography movies and images from Winn's section of the computer to his own and continued to possess them.

A forensic examination revealed numerous items of child pornography that RENNER possessed during 2006 and 2007 and that RENNER continued to possess until the service of the warrant. The images included children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence. Winn pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

TIMOTHY BRUCE RUDDLE

On April 27, 2009, TIMOTHY BRUCE RUDDLE, a 44-year-old resident of Lewistown, was sentenced to a term of:

- Prison: 210 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: life

RUDDLE was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In late December 2007, a then 14-year-old girl reported that she had been repeatedly sexually abused over a number of years by her father, RUDDLE, while the family lived in Lewistown. During the investigation, the victim also disclosed that her father had child pornography movies on his computer and had shown at least one to her.

Law enforcement agents in Lewistown seized RUDDLE'S computer and related media, including CDs. A forensic examination found numerous images and movies of child pornography that RUDDLE had received via the Internet. They included images of children clearly prepubescent or under age 12, as well as children engaged in sadistic or masochistic abuse or other depictions of violence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Lewistown Police Department, the Federal Bureau of Investigation, and the Montana Division of Criminal Investigation.

CLAYTON SCHLEPP

On February 27, 2009, CLAYTON SCHLEPP, a 31-year-old resident of Miles City, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 7 years

SCHLEPP was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2007, SCHLEPP was employed as a restitution officer by the Department of Corrections (DOC), stationed at Pine Hills Youth Correctional Facility (PHYCF) in Miles City. DOC received information from their IT department that SCHLEPP had attempted to access prohibited Internet sites using his DOC computer. SCHLEPP'S computer was not shared and was maintained in his own office space.

DOC examined SCHLEPP'S computer hard drive and found numerous images of children engaged in sexually explicit conduct. The hard drive was subsequently

forensically examined and numerous images of child pornography were found. SCHLEPP visited sexually oriented web sites, including various groups that catered to those who had an interest in viewing child pornography. SCHLEPP also used a search engine to find child pornography by using terms such as "incest," "lolita," "LS models," "PTHC" (preteen hardcore), "preteen," "PT model" and "pubescent girls."

The forensic exam found images of children clearly prepubescent and several pictures that involved sadistic or masochistic abuse or other depictions of violence. The images had been accessed during 2005 and 2006 and corresponded to the days that SCHLEPP was working at PHYCF.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Helena Police Department, the U.S. Immigration and Customs Enforcement and the Montana Division of Criminal Investigation.

LAWRENCE JOHN SHEEHAN

On October 28, 2009, LAWRENCE JOHN SHEEHAN, a 62-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 180 months, consecutive to a state sentence and no credit for time served
- Special Assessment: \$100
- Supervised Release: lifetime

SHEEHAN was sentenced in connection with his guilty plea to transportation of a minor.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In October of 2007, a female individual identified here as "B" reported to the Lincoln County Sheriff's Office that she had been repeatedly sexually abused for years by her stepfather, SHEEHAN.

"B" detailed sexual abuse that began in 2000 when she was 12 in New Mexico and continued through travels and moves to Arizona, Idaho, and back into Montana. Her mother married SHEEHAN in 1999 and the family lived in Montana. They moved to New Mexico in 2000 when the sexual abuse began. Her mother knew about the sexual abuse, as it often occurred while the three were in bed together. "B" was never allowed to attend school and was never home schooled either. The family lived a transient lifestyle, often staying in campgrounds or tents for short periods of time.

SHEEHAN was arrested and sent to prison for an old parole violation warrant in 2001 in

Arizona, and "B's" mother continued her relationship with him during his incarceration and after his release.

One of the purposes of the travel was for SHEEHAN to engage in sexual activity with "B" undetected. He transported her in interstate commerce during their travels in Montana as well. "B" became pregnant at age 15 when the family was in Montana and had SHEEHAN'S child on November 23, 2003. While SHEEHAN continued to deny paternity, DNA tests proved otherwise. SHEEHAN continued his sexual abuse of "B" even after the birth of their child, and the activity only stopped when "B" and her mother finally left SHEEHAN shortly before reporting the incident.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Lincoln County Sheriff's Office and the Federal Bureau of Investigation.

JOHN ROBERT STARCEVICH

On July 30, 2009, JOHN ROBERT STARCEVICH was sentenced to a term of:

- Probation: 5 years, with 6 months of home confinement
- Special Assessment: \$100

STARCEVICH was sentenced in connection with his guilty plea to receipt of obscenity.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

In September of 2007, an individual in Butte provided a computer belonging to STARCEVICH to law enforcement. The individual had been asked by STARCEVICH to repair the computer. While working on the computer, the individual observed sexually explicit images of young children.

STARCEVICH was contacted by law enforcement and consented to a search of the computer. Found during the forensic examination were a small amount of older child pornography images, along with browsing activity indicative of child pornography searches.

STARCEVICH had used his computer in Butte during 2006 and 2007 to obtain the images.

When questioned, STARCEVICH admitted that he had used various search terms that resulted in him obtaining images of persons that were under the age of 18 years.

A forensic examination of the computer revealed that STARCEVICH had used the

computer to search the Internet for various other types of images. Some of the images found were obscene, in that they were images of persons under the age of 18 years engaged in sexually explicit conduct by a lascivious exhibition of their genital areas. The images had been received via an interactive computer service and STARCEVICH'S computer. Several of the images were of known children.

The investigation was conducted by the Federal Bureau of Investigation.

DANIEL TARVER

On May 14, 2009, DANIEL TARVER, a 22-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 80 months
- Special Assessment: \$100
- Supervised Release: 5 years

TARVER was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children Task Force initiated an operation targeting peer-to-peer file-sharing networks offering child pornography.

In March 2008, it was determined that a computer, utilizing an IP address assigned to TARVER at his Great Falls residence, had images of child pornography available to other peer-to-peer users.

The Air Force Office of Special Investigations along with U.S. Immigration and Customs Enforcement agents followed up the lead by interviewing TARVER. TARVER told the investigators that he used the Limewire file-sharing program on both his computers, an Aspire desktop computer and a generic laptop. He admitted that he had downloaded and viewed child pornography on his computers for a number of years but would usually delete the images after a period of time. He stated that he was doing research on child pornography and would send information regarding child porn sites to another website he understood would shut down the illegal sites. TARVER admitted to using keyword searches he knew would result in finding child pornography on the Internet. He told investigators that he believed the children in the pornographic images he downloaded were generally between 8 and 14 years of age.

A forensic analysis of TARVER'S computers revealed more than 750 images of child pornography on the Aspire desktop computer and more than 50 images on the generic laptop. The images included depictions of children under the age of twelve and

penetration. The image files had creation dates ranging from October 2006 through May 2008.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Air Force Office of Special Investigations and the U.S. Immigration and Customs Enforcement.

MICHAEL PAUL TOPOLL

On March 19, 2009, MICHAEL PAUL TOPOLL, IV, a 25-year-old resident of Helena, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: life

TOPOLL was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

U.S. Immigration and Customs Enforcement agents were investigating allegations of child pornography access by users utilizing a peer-to-peer file sharing network. One investigation involved a person in Helena who had child pornography via a file sharing program available to share beginning in February 2008, and continuing through June 2008. The computer IP address was tracked to a residence in Helena.

Agents executed a search warrant on the residence on June 20, 2008. TOPOLL was at the residence when the agents arrived. When questioned, TOPOLL admitted that he used the peer-to-peer file sharing program and that he used the program to search for child pornography images. TOPOLL admitted that he sometimes received sexual gratification by viewing the child pornography images.

Agents seized various computer equipment. A subsequent forensic examination revealed images and movies of child pornography that TOPOLL had received via the Internet during 2008 and continued to possess until the service of the warrant. TOPOLL possessed images and movies of children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department, the

U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, and the Montana Division of Criminal Investigation.

BRYAN JOHN TRINIDAD

On January 12, 2009, BRYAN JOHN TRINIDAD, a 21-year-old resident of Great Falls/Malmstrom, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Supervised Release: 5 years
- Forfeiture: computer equipment

TRINIDAD was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children Task Force initiated an operation targeting peer-to-peer file sharing networks offering child pornography.

In June of 2007, it was determined that a computer utilizing an IP address assigned to an individual residing on Malmstrom Air Force Base had images of child pornography available to other peer-to-peer users.

The Air Force Office of Special Investigations along with U.S. Immigration and Customs Enforcement agents followed up the lead by interviewing this individual. During the interview, the individual gave consent to search his computer. No child pornography was found on the computer. It was learned at this time that another individual shared the Internet account. This individual was interviewed and also gave consent to search his computer. Again, no child pornography was found.

The second individual provided information indicating that yet another person was accessing the Internet through the same Internet account. By clicking on the Limewire icon while the connection was in use, the individual learned the other person accessing the Internet and using Limewire was signed on as BJ Trinidad. TRINIDAD lived in the suite next to the individual initially interviewed and was able to utilize that person's wireless network to gain access to the Internet.

TRINIDAD consented to the search of his laptop computer and other electronic storage devices that he provided to investigators, including an external hard drive and four CDs.

Forensic analysis of TRINIDAD'S computer and storage devices revealed more than 600 images of child pornography. The images included children clearly under the age

of twelve engaged in sexually explicit conduct, including images of penetration. TRINIDAD used his computer to gain access to the Internet, downloaded the images, and ultimately saved them on electronic storage devices.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Air Force Office of Special Investigation (OSI).

JEREMIAH WIBERG

On April 3, 2009, JEREMIAH WIBERG, a 26-year-old resident of Roseville, Minnesota, and Billings was re-sentenced to a term of:

- Prison: 148 months
- Special Assessment: \$100
- Supervised Release: 15 years

WIBERG was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 2, 2005, a woman residing in Billings reported to the Billings Police Department that she had discovered child pornography on her home computer. She believed that her new boyfriend, WIBERG, was responsible for the images.

The woman reported that on the evening of October 1, 2005, she was at work and left WIBERG at her residence watching her children while she was working. WIBERG and her two minor children were the only persons present at her residence that evening. She repeatedly attempted to call home and was unable to get through due to a busy signal. Upon returning from work, the woman noticed that new files were visible on the computer's desktop but that she was unable to view them. When attempting to open the files, the woman received a message that something was disconnected. She observed a USB storage device lying next to the monitor, so she plugged it into her computer and then saw images of child pornography.

The woman turned the storage device over to the Billings Police Department and it was later forensically analyzed. Found were images of child pornography that had been received via the Internet and saved on October 1, 2005, during the evening hours when WIBERG was the only adult at the residence. Also found were images of WIBERG, wherein he appeared to be on vacation at another time and location.

When questioned, WIBERG admitted that the USB storage device was his, but denied

any knowledge of the child pornography images. Shortly after being questioned by law enforcement, WIBERG left Billings. He was later located in Minnesota, where he was residing temporarily in an apartment with a man who owned a computer. A short time after WIBERG moved in, the computer was turned in to law enforcement because the owner found child pornography images located on that computer under a folder labeled "Jeremiah."

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Federal Bureau of Investigation.

JAMES WINN

On January 15, 2009, JAMES WINN, a resident of Butte, was sentenced to a term of:

- Prison: 200 months
- Special Assessment: \$100
- Forfeiture: computer equipment
- Supervised Release: life

WINN was sentenced in connection with his guilty plea to receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Agents with the U.S. Immigration and Customs Enforcement (ICE) were investigating allegations of child pornography access by users utilizing the peer-to-peer file sharing network. One investigation involved a person in Butte who had child pornography available via a file sharing program beginning in early 2007. ICE agents tracked the computer IP address to a residence in Butte. The agents executed a search warrant on that residence on April 17, 2007.

WINN was one of the individuals living at the residence. Agents seized a computer used by WINN that belonged to the owner of the residence. A subsequent forensic examination revealed numerous items of child pornography that WINN had received via the Internet during 2006 and 2007 and continued to possess until the service of the warrant. WINN possessed a number of movies and some images, including children clearly prepubescent and children engaged in sadistic or masochistic abuse or other depictions of violence.

When questioned, WINN admitted that he had searched the Internet for child pornography using file sharing programs. WINN admitted that it was easy to find movies of child pornography and that once downloaded, he would sort them and move them to various picture and video files.

WINN had a prior conviction in 1993 for felony sexual assault that involved a minor out of Butte-Silverbow County. He is a registered sexual offender in the State of Montana.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

BENJAMIN LEE ZARN

On April 1, 2009, BENJAMIN LEE ZARN, a 34-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$ 100
- Supervised Release: 5 years

ZARN was sentenced after having been found guilty during a 1-day trial of receipt of child pornography.

At trial, the following evidence was presented:

In May 2007, Northwestern Energy (NWE) determined that two company computers had been used to acquire child pornography via the Internet. Both computers, a desktop and a laptop, were located in a NWE business office located in Lewistown. NWE contacted the Lewistown Police Department and the FBI was called in to assist.

Further investigation revealed that entry into the NWE office in Lewistown is controlled by a computerized card key system. NWE employees, as well as employees of a janitorial service, were assigned individual key cards to acquire building access. NWE computers were also password protected with individual user accounts. However, on occasion, NWE employees would forget to log off their individual accounts at the end of a work day, leaving the computers vulnerable to unauthorized use by other individuals.

Comparison of NWE key card logs, as well as the Internet history of the computers found with child pornography on them suggested that ZARN was responsible for the illegal activity. ZARN was an employee of Magic City Cleaning, a janitorial business owned and operated by ZARN'S father. Magic City Cleaning provided the night janitorial services for NWE. The log data showed that on multiple occasions during late night hours, ZARN entered the NWE building when no other individuals were present. During those times, ZARN used the two computers to receive child pornography from various Internet web sites.

Forensic examination of the two NWE computers confirmed the presence of child pornography images contained in temporary Internet files, consistent with receiving images via the Internet. The date and time stamps associated with the images were

consistent with the key card data identifying ZARN as the person in the building.

On November 27, 2007, ZARN was interviewed. He confessed to using the NWE computers to receive child pornography via the Internet. ZARN also reported that he had used two additional computers belonging to his father to receive child pornography via the Internet. Following ZARN'S confession, his father gave written consent for the agents to search the computers. Child pornography images were found on both computers.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Lewistown Police Department, the Montana Division of Criminal Investigation, and the Billings Police Department.

2009 DRUGS

HEIDI ARAGON

On October 22, 2009, HEIDI ARAGON, a 21-year-old resident of New Mexico, was sentenced to a term of:

- Prison: 20 months
- Special Assessment: \$100
- Supervised Release: 4 years

ARAGON was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 20, 2008, a search warrant was executed at ARAGON'S motel room in Billings. Methamphetamine and approximately \$25,000 in U.S. currency, as well as documents with ARAGON'S name on them were seized. Approximately \$700 of the \$25,000 was pre-recorded money from a controlled buy.

When arrested on March 2, 2009, ARAGON admitted distributing approximately one ounce of methamphetamine to an individual in Billings in November of 2008.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

MARK EUGENE BACHTELER

On March 30, 2009, MARK EUGENE BACHTELER, a 26-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 68 months
- Special Assessment: \$100
- Supervised Release: 6 years

BACHTELER was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Central Montana Drug Task Force (CMDTF) received information that BACHTELER, then on state supervision for criminal mischief, was in possession of methamphetamine. His girlfriend, with whom he resided, was also on supervision for the criminal possession of dangerous drugs.

On December 7, 2007, Probation and Parole officers, together with local law enforcement, conducted a search of BACHTELER'S home in Great Falls and discovered small amounts of methamphetamine and drug paraphernalia. BACHTELER was arrested and charged with felony possession of dangerous drugs.

On April 2, 2008, Probation and Parole conducted a second search of the BACHTELER residence and discovered methamphetamine and paraphernalia.

In March and April of 2008, the 16-year-old niece of BACHTELER'S girlfriend both negotiated for the sale of and sold methamphetamine for BACHTELER. On April 10, 2008, the juvenile and an informant working with the CMDTF arranged a meeting for the transfer of two grams of methamphetamine. She and two others, sources of methamphetamine supply for BACHTELER, were arrested. The suppliers provided information that for the past couple of months they had provided BACHTELER as much as 300 grams of methamphetamine for re-distribution.

When questioned, BACHTELER admitted he drove his girlfriend's niece to the location for the drug deal and that he gave her advice when she found out the purchaser did not have enough money to purchase the entire amount of drugs she had for sale.

Between April 10 and April 15, 2008, an informant working with the CMDTF communicated with BACHTELER by text messaging and recorded conversations wherein the transaction of methamphetamine was discussed. During those conversations and messages, BACHTELER made clear that he had sold methamphetamine to others, that he both was owed and owed drug debts, and had

various amounts of money available to buy various quantities of methamphetamine. He discussed the arrest of his girlfriend's niece, describing her as a "soldier" that would not disclose information about the drug organization.

CMDTF agents have interviewed several persons who confirmed having purchased methamphetamine from BACHTELER between January and April of this year.

On April 15, 2008, BACHTELER was arrested for a probation violation and the truck he was driving was searched. Officers found drug paraphernalia for use, which included needles, spoons, a scanner and an electronic scale for measurement of small amounts.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Central Montana Drug Task Force.

**DANIEL LYN BENNETT and DONOVAN WAYNE DEHNEL
(BENNETT & DEHNEL)**

On September 21, 2009, DANIEL LYN BENNETT, age 49, and DONOVAN WAYNE DEHNEL, age 35, residents of the Spokane, Washington area appeared for sentencing.

BENNETT was sentenced to a term of:

- Prison: 200 months
- Special Assessment: \$100
- Supervised Release: 5 years

DEHNEL was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2007, Jamie Lake, Justin Hessler, Scott Shirley and BENNETT moved numerous pounds of methamphetamine from Spokane, Washington, to Montana, primarily in Flathead and Lincoln Counties. Lake, who was from the Spokane area, was the primary source of supply. Lake then distributed methamphetamine to Hessler, Shirley and Christopher Fraleigh. BENNETT was used by Lake for security and

enforcement.

The group initially moved ounce quantities and graduated to pound quantities before dismantling. They used rental cars to transport the methamphetamine, motel rooms as meeting places, and used runners at times to transport the methamphetamine.

Specifically, Lake, along with Shirley and two cooperating witnesses, trafficked the methamphetamine from Spokane to Kalispell by vehicle. BENNETT would ride with Lake as security on these drug runs.

Fraleigh's Kalispell trailer was used as a meeting and dealing location. Ultimately, Lake rented the trailer and used it as a drug house. Lake, Hessler, Fraleigh, Shirley and others met at the trailer for drug transactions. BENNETT worked as security at the trailer.

DEHNEL received some methamphetamine through this group. DEHNEL'S main connection to this group was through his girlfriend. He went with his girlfriend to the Kalispell trailer used by this group for drug transactions. DEHNEL used and sold gram quantities of methamphetamine.

Lake, Hessler and Shirley have admitted their involvement in the conspiracy. Lake admitted to obtaining methamphetamine in the Spokane area and selling it in the Kalispell area, or providing it to individuals who then transported the methamphetamine to Kalispell. He also admitted that he used BENNETT for security purposes.

Shirley admitted selling methamphetamine for Lake. He described getting into debt to Lake and having a car taken from him to pay part of the owed debt. Shirley was also ordered to collect money from people who owed him to pay back Lake.

Hessler admitted to receiving and selling Lake methamphetamine through other cooperating individuals. He also admitted he went to the Kalispell trailer on occasion to receive methamphetamine. He further admitted to wiring money from Montana to Lake in Spokane. Hessler also admitted he participated in a drug run to Spokane where methamphetamine was obtained from Lake at the Red Lion Hotel.

Lake, Hessler, Shirley and Fraleigh pled guilty to federal charges and have been sentenced.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Northwest Montana Drug Task Force, the U.S. Immigration and Customs Enforcement and the Montana Division of Criminal Investigation/Narcotics Investigation Bureau.

JOHN CARR BRACY II

On October 15, 2009, JOHN CARR BRACY II, a 47-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

BRACY was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

BRACY and other individuals were engaged in a conspiracy to possess with the intent to distribute methamphetamine.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

ROMAN CASTRO

On February 25, 2009, ROMAN CASTRO, a resident of Billings, was sentenced to a term of:

- Prison: 80 months
- Special Assessment: \$200
- Supervised Release: 4 years

CASTRO was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

CASTRO made the following hand-to-hand distributions of methamphetamine to an undercover agent with the Bureau of Alcohol, Tobacco and Firearms and Explosives:

- 109.4 grams of methamphetamine or 36.7 grams of actual methamphetamine on March 31, 2007; and
- 27.3 grams of methamphetamine or 10.2 grams of actual methamphetamine on April 6, 2007.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the High Intensity Drug Trafficking Area (HIDTA) Task Force, the City-County Special Investigation Unit in Billings, and the Federal Bureau of Investigation's Big Sky Safe Streets Task Force, which includes the Billings Police Department and the Yellowstone County Sheriff's Office.

RAFE CAMP

On September 15, 2009, RAFE CAMP was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 5 years

CAMP was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney Joseph E. Thaggard, the government stated it would have proved at trial the following:

In August of 2007, the Montana Division of Criminal Investigation (MDCI) was engaged in the investigation of trafficking of cocaine in Billings.

As part of that investigation, on August 1, 2007, an undercover agent purchased one ounce of cocaine from CAMP. A co-conspirator was present during the transaction and was introduced to the undercover agent. It was clear to the agent that the co-conspirator was the source of supply of the cocaine the agent received from CAMP.

On August 30, 2007, the agent purchased two ounces of cocaine from the co-conspirator, as well as another ounce of cocaine from him on September 13, 2007.

The substances were later analyzed by the Drug Enforcement Administration (DEA) and found to contain a detectable amount of cocaine.

On October 23, 2008, agents interviewed the co-conspirator. He admitted that he distributed cocaine to the undercover agent on both August 30 and September 13, 2007. He also admitted that, during the conspiracy, he provided approximately 20 ounces of cocaine to CAMP for distribution.

FRANCISCO CALVILLO-RODRIGUEZ

On November 19, 2009, FRANCISCO CALVILLO-RODRIGUEZ, a 22-year-old resident of Belgrade, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$200
- Supervised Release: 3 years

CALVILLO-RODRIGUEZ was sentenced in connection with his guilty plea to distribution of cocaine and illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On March 31, 2009, officers from the Missouri River Drug Task Force and the Drug Enforcement Administration monitored a controlled purchase of 1.5 ounces of cocaine from CALVILLO-RODRIGUEZ for \$3,000. The deal was arranged as part of an ongoing investigation into a cocaine-trafficking organization in the Bozeman area. The investigating officers monitored the sale by placing a body wire on a confidential informant. The informant drove to a trailer house in Gallatin County, met CALVILLO-RODRIGUEZ, counted out the money, and received the cocaine. The substance was analyzed and found to contain cocaine and weighed 41.5 grams.

Following the drug deal on March 31, 2009, agents with the U.S. Immigration and Customs Enforcement attempted to identify CALVILLO-RODRIGUEZ and determine whether he was legally in the United States. They discovered that he is a citizen of Mexico and that he was deported from the United States on January 7, 2008, through Nogales, Arizona. There is no evidence in CALVILLO-RODRIGUEZ'S immigration file that he applied for or received permission to reenter the United States following his 2008 removal.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Drug Enforcement Administration, and U.S. Immigration and Customs Enforcement.

KRISTY RENEE COTA

On October 8, 2009, KRISTY RENEE COTA, a 28-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

COTA was sentenced in connection with her guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 19, 2008, a confidential informant (CI) arranged to purchase one ounce of methamphetamine from COTA for \$1,800. The CI met COTA at a casino where she/he gave COTA \$1,770 for the ounce of methamphetamine. COTA and a female came out of the restroom, and COTA placed a baggie of methamphetamine in the CI's sweatshirt pocket.

That same night, COTA was stopped and detained after distributing the methamphetamine to the CI. COTA admitted to law enforcement that she received the one ounce of methamphetamine from Heidi Aragon in the restroom of the casino and delivered the methamphetamine to the CI.

The Drug Enforcement Administration Lab tests found 18.50 grams of 30.9% methamphetamine or 5.70 grams of actual methamphetamine in the substance that was COTA sold to the CI.

Aragon pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

RUBEN COTA-BECERRA

On September 16, 2009, RUBEN COTA-BECERRA, a 45-year-old resident of Billings, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$400
- Supervised Release: 5 years

COTA-BECERRA was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute/distribution of methamphetamine and possession with the intent to distribute/distribution of methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

COTA-BECERRA, using the false name of Carlos Perto Leon, was living in Billings and operating a cash only vehicle repair shop in the Lockwood area. COTA-BECERRA stored, weighed out, and distributed methamphetamine from this shop and other locations from late 2005 up to August 2007.

One of COTA-BECERRA'S main recipients of methamphetamine was Gary Gordon. COTA-BECERRA was introduced to Gordon by John Bracy for the purpose of establishing a source of supply of methamphetamine for re-distribution.

From approximately November 2005 until November 2006, COTA-BECERRA would provide Gordon with multiple ounce quantities of methamphetamine for re-distribution. COTA-BECERRA would generally place the methamphetamine inside of latex gloves and deliver it to Gordon in that manner. Early on in the conspiracy, Gordon would receive quarter-pounds of methamphetamine. In approximately January of 2006, COTA-BECERRA provided Gordon with half-pound quantities. Gordon would receive methamphetamine from COTA-BECERRA every three or four days during the period of the conspiracy.

On November 3, 2006, law enforcement officers searched Gordon's home in Laurel. COTA-BECERRA and Gordon had a disagreement regarding further distribution from COTA-BECERRA to Gordon as law enforcement seized a large quantity of distributable methamphetamine. As a result John Bracy agreed to act as a middleman between COTA-BECERRA and Gordon. COTA-BECERRA would distribute the methamphetamine to Bracy; Bracy in turn would give it to Gordon. Gordon would deliver cash to Bracy and Bracy would give the cash to COTA-BECERRA in payment for the methamphetamine to continue the conspiracy.

Bracy admitted that from mid-November 2006 to mid-January 2007, he received three to six pounds of methamphetamine from COTA-BECERRA to give to Gordon. Gordon stated that during the period of the conspiracy he received over 40 pounds of methamphetamine from COTA-BECERRA for redistribution. Gordon, in turn, would deliver the methamphetamine to a network of individuals in varying quantities who then redistributed the methamphetamine in Billings, Bozeman, Browning, and other locations.

Law enforcement seized the following methamphetamine from Gary Gordon that COTA-BECERRA had provided him for redistribution:

- on November 3, 2006: 177.5 grams of a mixture of methamphetamine or 144.3 grams of actual methamphetamine;
- on November 21, 2006: 196.1 grams of a mixture of methamphetamine or 183.2 grams of actual methamphetamine; and
- on January 15, 2007: 206.8 grams of a mixture of methamphetamine or 168.8 grams of actual methamphetamine

Gordon was paying \$2,000 per ounce for the methamphetamine from COTA-BECERRA, and Gordon would then sell it for \$2,400 an ounce.

When arrested, COTA-BECERRA admitted to knowing Gordon and Bracy. During a search of COTA-BECERRA'S shop, a digital scale containing methamphetamine residue, latex gloves, and documents in COTA-BECERRA'S false name were recovered.

Gordon and Bracy pled guilty to federal charges and have been sentenced.

The investigation was conducted by the Federal Bureau of Investigation's Big Sky Safe Streets Task Force, which includes the Billings Police Department and the Yellowstone County Sheriff's Office.

ANDREW G. COTTRELL

On August 26, 2009, ANDREW G. COTTRELL, a 27-year-old resident of Kalispell, was sentenced to a term of:

- Probation: 18 months
- Special Assessment: \$25
- Fine: \$1,000

COTTRELL was sentenced in connection with his guilty plea to possession of marijuana, methamphetamine and oxycontin.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On the afternoon of November 17, 2007, an officer on patrol near the north end of the Lion Lake recreation area in the Flathead National Forest encountered COTTRELL and his girlfriend. COTTRELL's car was parked in front of a closed gate about one-quarter mile from Lion Lake.

The officer approached COTTRELL'S car and saw COTTRELL in the driver's seat and COTTRELL'S girlfriend in the passenger seat. COTTRELL'S driver-side window was rolled down about three inches and just moments into the conversation, COTTRELL opened the car door because the window was broken and could not be rolled down all the way.

The officer identified himself and immediately smelled marijuana coming from COTTRELL'S car. He asked COTTRELL for his driver's license and returned to his patrol vehicle. When he came back to COTTRELL'S car, he told COTTRELL that he intended to use a trained canine to sweep outside the vehicle. COTTRELL asked why and the officer explained that he smelled marijuana coming from the car. COTTRELL then offered to show something to the officer. Before the officer answered, COTTRELL produced a zip-lock bag with seven oxycontin pills and a small amount of marijuana. COTTRELL told the officer that the oxycontin pills were not prescribed to him.

The officer put the marijuana and oxycontin in his car. When he got back to COTTRELL'S vehicle, he observed another zip-lock bag on the ground by the driver's door. The bag contained methamphetamine. The officer COTTRELL what was in the bag and COTTRELL told stated that he did not know. At that point, the officer

handcuffed COTTRELL, read him his rights, and put him in the back of the patrol vehicle. The officer searched the car and found a small black bag on the driver's side floor board, near the pedals. The bag contained a glass pipe and a second zip-lock bag of methamphetamine. It also contained several other items, including two empty zip-lock bags, a set of keys with an Albertson's tag attached, and Lunesta tablets.

The officer returned to his patrol vehicle with all the seized items. COTTRELL asked if he could see what he had found. COTTRELL admitted the keys with the Albertson's tag belonged to him, but said the other items in the bag must belong to his friend. The officer then asked COTTRELL when COTTRELL had last smoked marijuana in the car and COTTRELL told him that "someone" had likely smoked in the car the previous day.

The investigation was conducted by the Law Enforcement and Investigations Division of the Forest Service.

JAMES ADAM BOYKEN DAVISON

On June 22, 2009, JAMES ADAM BOYKEN DAVISON, a 30-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 106 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 6 years

DAVISON was sentenced in connection with his guilty plea to manufacturing methamphetamine within 1,000 feet of a university.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 23, 2007, a Great Falls Police officer responded to a residence in the 2300 block of 15th Avenue South in Great Falls. The officer had been advised by dispatch that earlier in the morning 911 received a call from an address in the 2400 block of 13th Avenue South that indicated the caller had heard a female screaming for help in the neighborhood. Officers had responded and found nothing unusual.

The new call was from the resident in the 2300 block of 15th Avenue South who said they called police after finding a bag lying near their house that had several syringes lying next to it. The officer found the bag lying near the southwest corner of the home near some shrubs and could see a plastic bag of syringes on top of the black bag and several syringes lying around the bag that appeared to have fallen out of the plastic bag on top. He unzipped the center portion of the bag in an attempt to determine ownership and saw some clothing stuffed into the bag. He removed the clothing and saw plastic tubing, tinfoil, a hot plate and bottles filled with unknown liquids, which based on his training and experience appeared to be items used to manufacture methamphetamine.

A further search of the outer pockets on the bag revealed letters and other documents with DAVISON'S name and address which was listed as 1302 24th Street South #2. This address was about two blocks away from where the bag was found. This apartment is also within one thousand feet of the campus of the University of Great Falls.

A short time later, another person called 911 and reported there was a male hiding under a tree in their yard at 2308 13th Avenue South. This was approximately one block from DAVISON'S apartment and about two blocks from where officers were inspecting the bag and its contents. Officers went to that location and found DAVISON, who appeared to be under the influence of methamphetamine. They confirmed DAVISON'S identity and address and learned he was on probation.

Officers then proceeded to DAVISON'S apartment where they made contact with the DAVISON'S wife, who was holding the couple's eleven month old child. The wife also appeared under the influence of methamphetamine and complained that people in large wooden shoes were stomping around on the floor inside the apartment and had been doing so for hours. Cognizant of the earlier call related to a woman screaming for help, the officers asked if she wished for them to enter and check for these intruders and she said yes. The officers did a quick check of the residence and found no one wearing large wooden shoes, or anyone else for that matter. During this quick check of the residence, the officers saw several items in plain view that were consistent with a methamphetamine lab being operated in the apartment.

As both DAVISON and his wife were currently on probation, they were given field narcotics test to which they both tested positive for methamphetamine and other narcotics. Both were then placed in custody for violating the conditions of probation. On the way to the jail, DAVISON'S wife stated she had been screaming the previous evening because she was scared of the people in the wooden shoes, which fit the information given by the 911 caller.

A small amount of methamphetamine was found in the residence in a baby food jar. DAVISON was interviewed and admitted he intended to manufacture 3 grams with the materials he had on hand for personal use and that he had fallen back into being a "meth cook." DAVISON said he had been "cooking" methamphetamine in the apartment for several weeks, primarily for personal use.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the U.S. Immigration and Customs Enforcement.

SHANNA CHRISTINE DEVORE

On November 20, 2009, SHANNA CHRISTINE DEVORE, a 25-year-old resident of

Bozeman, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 5 years

DEVORE was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

In 2004, William Feight began buying “eight balls” of methamphetamine from T.E., generally for personal use. T.E. was eventually arrested and his Mexican sources of supply approached Feight about selling the methamphetamine that they were bringing into the Bozeman area. Feight agreed and began receiving one ounce of meth from E.C. every one to three days from the summer of 2007 until September of 2008, when Feight was arrested on federal drug charges.

During an interview with law enforcement on March 5, 2009, Feight estimated that he met E.C. 20 to 50 times to obtain ounce quantities of methamphetamine and that he sold approximately 10 ounces of that meth to DEVORE.

After Feight was arrested, his girlfriend, Lori Meigs, started buying methamphetamine from E.C. Meigs was also arrested and charged federally. She was interviewed by law enforcement and confirmed that Feight sold methamphetamine to DEVORE. Meigs also told law enforcement that DEVORE was continuing to distribute meth in the Bozeman area.

On July 10, 2009, DEVORE was interviewed by law enforcement and admitted to buying and selling methamphetamine. She said that in early 2006 she would occasionally watch Meigs’ daughter while Feight and Meigs traveled to Mexico to pick up methamphetamine. She further explained that in October 2008 she went with Meigs to E.C.’s residence to pick up meth. E.C. eventually gave DEVORE one ounce of meth, which she delivered to Meigs. A few days later, E.C. fronted DEVORE one-half ounce of meth for \$1,000. DEVORE continued to get meth from E.C. until his arrest. Based on the various estimates provided by DEVORE, she received anywhere from eight to 32 ounces of meth from E.C. from October 2008 until May 2009.

DEVORE told law enforcement that she continued to get meth after E.C. was arrested, from an individual introduced to her by E.C. That person fronted DEVORE one-ounce quantities of meth for \$2,200 per ounce.

Feight and Meigs pled guilty to federal charges and have been sentenced.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Drug Enforcement Administration.

GEOFFREY H. DODD

On November 6, 2009, GEOFFREY H. DODD, a 28-year-old resident of Seattle, Washington, was sentenced to a term of:

- Prison: 13 months
- Special Assessment: \$200
- Supervised Release: 3 years

DODD was sentenced in connection with his guilty plea to distribution of cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On October 10, 2006, law enforcement in Billings intercepted a package at the Greyhound bus depot containing 246 grams of marijuana. A Bozeman police detective, then assigned to the Missouri River Drug Task Force, was contacted. The detective seized the marijuana and made a controlled delivery of the package to its intended recipient, A.G., in Bozeman. A.G. was arrested and stated that he regularly distributed marijuana for DODD of Seattle, Washington. Using A.G. as a confidential informant, the detective initiated a series of controlled communications with DODD. Over the course of these communications, DODD agreed to provide A.G. with cocaine to distribute in Bozeman.

On November 29, 2006, DODD personally delivered 28.5 grams of cocaine to A.G. at a gas station in Bozeman after A.G. wired him \$700.

On January 12, 2007, DODD sent A.G. 113.9 grams of cocaine at a Bozeman post office box after receiving \$3,800 dollars from A.G. The detective maintained many of the communications with DODD surrounding the two drug deals, including several text messages discussing the transactions. The drugs were sent to the DEA lab and the subsequent analysis confirmed the presence of cocaine.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Missouri River Drug Task Force.

ROBERT LYNAM EDDLEMAN and TERRI JABS KURTH (EDDLEMAN & KURTH)

On July 16, 2009, ROBERT LYNAM EDDLEMAN, a 51-year-old resident of Red Lodge, and TERRI JABS KURTH, a 44-year-old resident of Billings, were sentenced.

EDDLEMAN was sentenced in connection with his guilty plea to conspiracy to maintain drug involved premisses to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

KURTH was sentenced in connection with her guilty plea to conspiracy to maintain drug involved premisses to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Fine: \$10,000
- Supervised Release: 2 years

In an Offer of Proof filed by Assistant U.S. Attorneys Joseph E. Thaggard and Vince Carroll, the government stated it would have proved at trial the following:

In August of 2007, the Drug Enforcement Administration (DEA) and the Montana Division of Criminal Investigation began to investigate D.B. for trafficking cocaine in Billings and Red Lodge.

During the course of the investigation, authorities learned that EDDLEMAN had purchased cocaine from D.B. over a period of several years and engaged in the recreational use of the cocaine.

Authorities also learned that KURTH had purchased cocaine from D.B. over a period of several years and that she and EDDLEMAN had allowed her residences in Billings and Red Lodge to be used for the periodic storage and consumption of small amounts of cocaine at parties she hosted since at least 2004.

On September 8, 2008, the authorities had probable cause to believe KURTH had purchased cocaine from D.B. The authorities stopped her vehicle and searched it. They did not recover any cocaine in the vehicle, but found a tube used for ingesting cocaine in the vehicle.

The authorities also searched KURTH and EDDLEMAN, who was a passenger in the vehicle. The authorities recovered another tube used for snorting cocaine in KURTH'S makeup case. They found another such tube on EDDLEMAN. All of the tubes subsequently tested positive for cocaine when analyzed by a DEA chemist.

Both KURTH and EDDLEMAN were released. EDDLEMAN was later interviewed by the authorities and confirmed that he and KURTH had cocaine hidden in the vehicle on September 8, 2008. He stated that the authorities had failed to find the cocaine. EDDLEMAN also stated that after they were released by the authorities, he and KURTH

went to her home in Billings, where they consumed the cocaine.

Following September 8, 2008, the authorities interviewed various friends and acquaintances of both EDDLEMAN and KURTH, all of whom confirmed that KURTH and EDDLEMAN hosted parties at KURTH'S homes in Billings and Red Lodge where cocaine was used during the time period alleged in the indictment.

In a sentencing memorandum filed by Eddleman, he objected to an obstruction enhancement to his sentence recommended by the Probation Officer, stating he declined to prosecute cases due to alleged Montana Division of Criminal Investigation misconduct and not his connection with the targets of those investigations. At his sentencing hearing, Eddleman withdrew his objection to the obstruction of justice enhancement.

After today's sentencing, U.S. Attorney Bill Mercer said: "Today's sentence demonstrates again, that no individual is above the law. Those that choose to involve themselves in the distribution of dangerous drugs like cocaine will be caught and prosecuted to the fullest extent of the law."

The investigation was a cooperative effort between the Drug Enforcement Administration and the Montana Division of Criminal Investigation.

GRANT EMERY

On July 22, 2009, GRANT EMERY, a 26-year-old resident of Billings, was sentenced to a term of:

- Prison: 24 months
- Supervised Release: 3 years

EMERY was sentenced in connection with his guilty plea to distribution of cocaine.

In an Offer of Proof filed by Special Assistant U.S. Attorney Sheila R. Kolar, the government stated it would have proved at trial the following:

On February 19, 2008, EMERY sold 12.2 grams of cocaine to an undercover officer.

On April 24, 2008, EMERY sold 27.2 grams of cocaine to the same undercover officer. The officer was wired both times and videos of the transactions were obtained.

EMERY was later interviewed by agents and voluntarily admitted to selling cocaine on both occasions.

The investigation was conducted by the Federal Bureau of Investigation.

MARVIN LAWSON EUBANKS

On May 18, 2009, MARVIN LAWSON EUBANKS, a 51-year-old resident of Browning, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 8 years

EUBANKS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 30, 2008, after his name came up during an investigation of another individual who had pled guilty to distributing meth, EUBANKS went to the FBI office in Browning for an interview. The individual had indicated that EUBANKS was her supplier for meth.

EUBANKS admitted during the interview that he had supplied the individual with meth to sell. EUBANKS also stated that he had supplied several other individuals around Browning with meth to use and sell between 2006 and April 2008. EUBANKS explained that he and another individual obtained over 50 grams of meth from Washington to sell in Browning. EUBANKS stated that when he got back to Browning with the meth, he would break the meth into gram baggies to sell.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation - Browning and the Blackfeet Safe Trails Task Force.

WILLIAM JOHN FEIGHT

On May 21, 2009, WILLIAM JOHN FEIGHT, a 45-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 151 months
- Special Assessment: \$100
- Supervised Release: 10 years

FEIGHT was sentenced in connection with his guilty plea to conspiracy to distribute 500 or more grams of a mixture or substance containing a detectable amount of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

In 2004, FEIGHT, who has a prior conviction from 1996 for conspiracy to distribute methamphetamine, began buying "eight balls" of methamphetamine from an individual, hereafter referred to as "John Doe," generally for personal use. "John Doe" was eventually arrested and his Mexican sources of supply approached FEIGHT about selling the methamphetamine that they were bringing into the Bozeman area. FEIGHT agreed and began receiving one ounce of meth from another individual, hereafter referred to as "Tom Doe," every one to three days from the summer of 2007 until September of 2008. FEIGHT normally received the methamphetamine from "Tom Doe" at Lindley Park in Bozeman. During an interview with law enforcement, FEIGHT estimated that he met "Tom Doe" at the park 20 to 50 times to obtain ounce quantities of methamphetamine.

Various individuals who purchased methamphetamine from FEIGHT were interviewed by law enforcement. One individual said he received at least one pound of meth from FEIGHT between April and October 2007. "John Doe" told officers that FEIGHT told him that he (FEIGHT) could obtain as much as five pounds of meth from his Mexican sources at one time, but "John Doe" suspected the actual amount to be substantially less than that. Another individual estimated that he received between two and one-half and three pounds of methamphetamine from FEIGHT from approximately the summer of 2007 until March 2008.

On November 28, 2007, FEIGHT and another individual were stopped by the Montana Highway Patrol and FEIGHT'S vehicle was impounded. Before law enforcement officers could obtain and execute a search warrant on that vehicle, FEIGHT and his passenger broke into the impound lot and the vehicle. Witnesses and FEIGHT later said that a quantity of methamphetamine was removed from FEIGHT'S vehicle during the break-in.

On December 21, 2007, FEIGHT'S vehicle was again impounded following a traffic stop. Law enforcement officers searched the vehicle and seized approximately 40 grams of methamphetamine (18.6 grams of actual meth).

On July 20, 2008, FEIGHT was arrested following a vehicle pursuit with a Gallatin County Sheriff's deputy. His car was searched and law enforcement seized approximately 37 grams of methamphetamine (11.1 grams of actual meth).

On September 22, 2008, FEIGHT was arrested for driving with a suspended license. Just prior to the arrest, FEIGHT got out of his car and put a quantity of methamphetamine in the back of a truck parked next to his car.

Assistant U.S. Attorney Timothy S. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement

Administration and the Missouri River Drug Task Force.

JANENE MICHELLE FORAN

On January 12, 2009, JANENE MICHELLE FORAN, a 28-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 23 months
- Special Assessment: \$100
- Supervised Release: 4 years

FORAN was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2006, the Great Falls Police Department, in conjunction with the U.S. Immigration and Customs Enforcement, began to investigate an organization which had distributed methamphetamine in Great Falls in 2005 and 2006. As part of the investigation, the officers learned that Tiffany Bass, *aka* Tiffany King, had distributed methamphetamine on behalf of the organization and that FORAN had worked as a courier for Bass.

Officers interviewed FORAN. FORAN admitted that in a period between the end of 2005 and the early part of 2006, she assisted Bass in delivering methamphetamine to customers in Great Falls. FORAN admitted that more than 50 grams of methamphetamine was distributed as part of the conspiracy.

FORAN'S confession was corroborated by the events of January 17, 2006. On that date, Great Falls Police officers searched a hotel room in Great Falls at which time Bass, FORAN, and others were present. Approximately one ounce of a substance containing a detectable amount of methamphetamine was recovered by the authorities. A confidential informant who purchased methamphetamine from Bass at the hotel shortly before the search confirmed that FORAN was present during that transaction and was acting in conjunction with Bass.

Bass pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the U.S. Immigration and Customs Enforcement.

CHRISTOPHER THOMAS FRALEIGH

On July 10, 2009, CHRISTOPHER THOMAS FRALEIGH, a 25-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

FRALEIGH was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

During 2007, FRALEIGH and several other individuals moved numerous pounds of methamphetamine from Spokane, Washington, to Montana, primarily in the Flathead and Lincoln Counties area. The primary source of supply distributed methamphetamine to most of the individuals, including FRALEIGH.

This group of individuals initially moved ounce quantities and graduated to pound quantities before dismantling. The group used rental cars to transport the methamphetamine, used motel rooms as meeting places, and used runners at times to transport the methamphetamine. FRALEIGH'S rented mobile home in Kalispell was also used as a meeting and dealing location.

FRALEIGH was interviewed twice regarding his involvement with this group, on August 5, 2008, and February 24, 2009. During these interviews FRALEIGH admitted his involvement with trafficking methamphetamine.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Immigration and Customs Enforcement, and the Montana Division of Criminal Investigation.

TAMMY GORDON

On July 10, 2009, TAMMY GORDON, a 44-year-old resident of Columbus, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

GORDON was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine and distribution of methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

GORDON was involved with other individuals in a conspiracy to possess and distribute over 500 grams of methamphetamine in the Billings area.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

**NOAH CHILDS GORDON and THOMAS PAUL STRIKER
(GORDON & STRIKER)**

On September 8, 2009, NOAH CHILDS GORDON, a resident of Los Angeles, California, and THOMAS PAUL STRIKER, a 26-year-old resident of Glendale, California, were sentenced.

GORDON was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 3 years

STRIKER was sentenced to a term of:

- Prison: 38 months
- Special Assessment: \$100
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to conspiracy to import a controlled substance.

In an Offer of Proof filed by Assistant U.S. Attorney Bryan R. Whittaker, the government stated it would have proved at trial the following:

On August 17, 2007, GORDON and STRIKER attempted to enter the United States from Canada. When U.S. Customs and Border Protection officers questioned GORDON and STRIKER, they admitted they had marijuana in their vehicle.

A search was conducted on their vehicle and approximately 586 grams (2000+ pills) of 3,4-Methylenedioxymethamphetamine (MDMA "Ecstasy") and approximately 5.3 grams of marijuana were recovered.

On August 20, 2007, when interviewed again, both defendants admitted they had an agreement and a plan to illegally import Ecstasy (MDMA) into the United States from Canada.

GORDON stated that on August 11, 2007, he met with a female from Canada, known only as Arwen, at a night club in Los Angeles, California. GORDON and Arwen agreed to drive to Calgary to meet an individual from whom they could purchase Ecstasy pills and bring them back to the United States to sell in Los Angeles. Arwen and GORDON agreed to split the proceeds. GORDON then solicited STRIKER to join in the conspiracy because GORDON needed another driver. STRIKER stated he knew that the purpose of the trip was to illegally import Ecstasy pills and to bring them back to Los Angeles for distribution.

Several days later, the three individuals traveled from Los Angeles to Calgary. Arwen purchased the Ecstasy pills from a source in Canada. GORDON and STRIKER then purchased two "stash cans" in which they could conceal the pills. GORDON also admitted to assisting Arwen in putting the MDMA pills into the "stash cans" before they left Canada and attempted to enter the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Glacier County Sheriff's Office, and the U.S. Customs and Border Protection, Office of Field Operations, Port of Piegan.

MATTHEW GREGORIAN

On December 17, 2009, MATTHEW GREGORIAN, a 31-year-old resident of Modesto, California, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 5 years

GREGORIAN was sentenced in connection with his guilty plea to conspiracy to distribute cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney Tara J. Elliott, the government stated it would have proved at trial the following:

On April 13, 2006, GREGORIAN and W.S. flew from Sacramento, California to Kalispell. The purpose of the trip was for GREGORIAN to supervise a cocaine sale. As GREGORIAN and W.S. were flying, T.P. was traveling by car to Kalispell with 7.5 pounds of cocaine at GREGORIAN'S request. The understanding was that once in Kalispell, the cocaine would be delivered and sold to M.D.

Upon arriving, all four individuals met up at a motel in the area and then went to M.D.'s residence. At the residence, GREGORIAN retrieved the cocaine from the door panels of the car and M.D. took the cocaine. GREGORIAN and W.S. boarded a return flight to California the next day.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

JAVIER GUTIERREZ-PAZ

On June 12, 2009, JAVIER GUTIERREZ-PAZ, a 28-year-old resident of Billings, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$ 100
- Supervised Release: 5 years

GUTIERREZ-PAZ was sentenced in connection with his guilty plea to conspiracy to possess with intent to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In August of 2007, the Montana Division of Criminal Investigation (MDCI) was engaged in the investigation of the trafficking of cocaine in Billings.

As part of that investigation, on August 1, 2007, an undercover MDCI agent purchased one ounce of cocaine from an individual. GUTIERREZ-PAZ was present during the transaction and was introduced to the agent. It was clear to the agent that GUTIERREZ-PAZ was the source of supply for the cocaine the agent had received from the other individual.

On August 30, 2007, the agent purchased two ounces of cocaine from GUTIERREZ-PAZ. He purchased another ounce of cocaine from GUTIERREZ-PAZ on September 13, 2007.

All of the substances were analyzed by the Drug Enforcement Administration (DEA) and found to contain a detectable amount of cocaine.

When interviewed on October 23, 2008, GUTIERREZ-PAZ admitted that he had distributed cocaine to the undercover agent.

GUTIERREZ-PAZ further admitted that, in approximately August/September 2007, he had received cocaine from an individual who served as GUTIERREZ-PAZ'S source of supply. GUTIERREZ-PAZ stated that he, in turn, distributed that cocaine to other people with whom the individual was unwilling to be directly involved. GUTIERREZ-PAZ stated he distributed about 20 ounces of cocaine to another individual during the course of his involvement in the conspiracy.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Drug Enforcement Administration, Montana Department of Criminal Investigations and the City-County Special Investigation Unit in Billings.

DEANNA RAE HAMILTON

On October 16, 2009, DEANNA RAE HAMILTON, a 41-year-old resident of Spokane, Washington, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

HAMILTON was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2007, Jamie Lane Lake, Daniel Lyn Bennett, Scott Allen Shirley and Justin Bradford Hessler moved numerous pounds of methamphetamine from Spokane, Washington, to Montana, primarily in Flathead and Lincoln Counties. Lake, who was from the Spokane area, was the primary source of supply. Lake then distributed methamphetamine to Shirley, Hessler and Christopher Fraleigh. Bennett was used by Lake for security and enforcement.

The group initially moved ounce quantities and graduated to pound quantities before dismantling. They used rental cars to transport the methamphetamine, motel rooms as meeting places, and used runners at times to transport the methamphetamine.

Lake, along with Shirley and two cooperating witnesses, trafficked the methamphetamine from Spokane to Kalispell by vehicle. Bennett would ride with Lake as security on these drug runs.

Fraleigh's Kalispell trailer was used as a meeting and dealing location. Ultimately, Lake rented the trailer and used it as a drug house. Lake, Shirley, Hessler, Fraleigh and others met at the trailer for drug transactions. Bennett worked as security at the trailer.

HAMILTON provided rental cars to Lake to make drug runs between Kalispell and Spokane. HAMILTON also made some drug runs between Kalispell and Spokane. At times, HAMILTON had picked up methamphetamine from Lake at the Kalispell trailer. In total, HAMILTON moved approximately five ounces of methamphetamine for Lake in the Kalispell area.

Lake, Bennett, Shirley, Hessler and Fraleigh pled guilty to federal charges and have

been sentenced.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

ROBERT HAUGE

On September 30, 2009, ROBERT HAUGE, a 28-year-old resident of Billings, was sentenced to a term of:

- Prison: 168 months
- Special Assessment: \$100
- Supervised Release: 10 years

HAUGE was sentenced in connection with his guilty plea to possession with the intent to distribute LSD.

The government stated it would have proved at trial that in or about November of 2007, HAUGE possessed with the intent to distribute at least 10 grams of LSD in the Billings area.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the City County Special Investigations Unit, the Drug Enforcement Agency and the Department of Homeland Security, Immigration and Customs Enforcement.

TRAVIS HENRY

On July 15, 2009, TRAVIS HENRY, a 30-year-old resident of Denver, Colorado, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 3 years

HENRY was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney Joseph E. Thaggard, the government stated it would have proved at trial the following:

On September 11, 2008, an undercover Montana Division of Criminal Investigation (MDCI) agent purchased two ounces of cocaine from an individual in Billings. The purchase was part of an ongoing investigation by the MDCI of cocaine trafficking in Billings.

During the transaction, the agent agreed to purchase four pounds of cocaine from the individual's source of supply who lived in Denver, Colorado. Further investigation led the authorities to conclude the source of supply was an individual identified hereafter as C.S. 1.

On September 16, 2008, the Montana Highway Patrol and the Drug Enforcement Administration made a traffic stop on a vehicle on Interstate 90 in Montana. C.S. 1 was the passenger in the vehicle. A search of the vehicle disclosed the presence of six pounds of marijuana and approximately three kilograms of purported cocaine.

C.S. 1 disclosed that he was going to deliver the cocaine to customers in Billings. He stated he planned to take the proceeds from the sale of cocaine back to Denver, Colorado, where he would provide at least some of the money from the sale to HENRY and another individual.

C.S. 1 identified HENRY as the "money guy" in the conspiracy, that is the person who financed at least part of the operation. C.S. 1 said he had only known HENRY for a few months.

C.S. 1 said on two other recent occasions he had successfully delivered a total of three kilograms from Denver to Billings.

C.S. 1 stated that his most recent delivery of cocaine to Billings went awry when the customer was robbed of approximately \$40,000 of drug proceeds which should have been paid to C.S. 1, HENRY and another individual. C.S. 1 stated that HENRY and the other individual held him and the customer jointly responsible for the lost money.

C.S. 1 said that he hoped to make up the lost money by distributing the drugs seized from his vehicle by the authorities on September 16, 2008. He said two kilograms of the cocaine seized by the authorities from his vehicle were fake. He said the other kilogram actually contained cocaine. He said he planned to sell the fake cocaine to allow him to repay money he owed to HENRY and the other individual.

C.S. 1 then agreed to assist the authorities. As part of that assistance, he disclosed that he had been involved in the conspiracy since approximately 2006. He said that the conspiracy involved in excess of five kilograms of cocaine, some of which was delivered to Montana customers and some of which Montana customers traveled to Denver to obtain from him.

As part of his assistance, C.S. 1 also agreed to participate in a "reverse sting," pursuant to which he would deliver cocaine to HENRY and the other individual under the supervision of law enforcement officers.

On September 30, 2008, C.S. 1 delivered six kilograms of cocaine to HENRY and the other individual as part of the reverse sting. Thereafter, HENRY and the other

individual were arrested.

U.S. Attorney Mercer said, "The prosecution of Henry is an excellent example of what we focus on in drug trafficking cases: dismantling interstate drug trafficking organizations responsible for moving large quantities of dope into Montana."

The investigation was a cooperative effort between the Drug Enforcement Administration, the Montana Division of Criminal Investigation, the Montana Highway Patrol and the Eastern Montana High Intensity Drug Trafficking Area (HIDTA) Task Force.

**JUSTIN BRADFORD HESSLER and JAMIE LANE LAKE
(HESSLER & LAKE)**

On September 25, 2009, JAMIE LANE LAKE, a 34-year-old resident of the Spokane, Washington area, and JUSTIN BRADFORD HESSLER, a 29-year-old resident of Kalispell, appeared for sentencing.

LAKE was sentenced to a term of:

- Prison: 156 months
- Special Assessment: \$100
- Supervised Release: 5 years

HESSLER was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 5 years

They were sentenced in connection with their guilty pleas to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2007, LAKE, HESSLER, Scott Shirley and Daniel Bennett, moved numerous pounds of methamphetamine from Spokane, Washington, to Montana, primarily in Flathead and Lincoln Counties. LAKE, who was from the Spokane area, was the primary source of supply. LAKE then distributed methamphetamine to HESSLER, Shirley and Christopher Fraleigh. Bennett was used by LAKE for security and enforcement.

The group initially moved ounce quantities and graduated to pound quantities before dismantling. They used rental cars to transport the methamphetamine, motel rooms as

meeting places, and used runners at times to transport the methamphetamine.

Specifically, LAKE, along with Shirley and two cooperating witnesses, trafficked the methamphetamine from Spokane to Kalispell by vehicle. Bennett would ride with LAKE as security on these drug runs.

Fraleigh's Kalispell trailer was used as a meeting and dealing location. Ultimately, LAKE rented the trailer and used it as a drug house. LAKE, HESSLER, Shirley, Fraleigh and others met at the trailer for drug transactions. Bennett worked as security at the trailer.

Donovan Dehnel received some methamphetamine through this group. Dehnel's main connection to this group was through his girlfriend. He went with his girlfriend to the Kalispell trailer used by this group for drug transactions. Dehnel used and sold gram quantities of methamphetamine.

LAKE, HESSLER and Shirley have admitted their involvement in the conspiracy. LAKE admitted to obtaining methamphetamine in the Spokane area and selling it in the Kalispell area, or providing it to individuals who then transported the methamphetamine to Kalispell. He also admitted that he used Bennett for security purposes.

Shirley admitted selling methamphetamine for LAKE. He described getting into debt to LAKE and having a car taken from him to pay part of the owed debt. Shirley was also ordered to collect money from people who owed him to pay back LAKE.

HESSLER admitted to receiving and selling LAKE methamphetamine through other cooperating individuals. He also admitted he went to the Kalispell trailer on occasion to receive methamphetamine. He further admitted to wiring money from Montana to LAKE in Spokane. HESSLER also admitted he participated in a drug run to Spokane where methamphetamine was obtained from LAKE at the Red Lion Hotel.

Bennett, Dehnel, Fraleigh and Shirley pled guilty to federal charges and have been sentenced.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Northwest Montana Drug Task Force, the U.S. Immigration and Customs Enforcement and the Montana Division of Criminal Investigation/Narcotics Investigation Bureau.

GAIL HOPPEL

On April 9, 2009, GAIL HOPPEL, a 45-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

HOPPEL was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute and distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January of 2004 and December 2006, HOPPEL was involved with several other individuals in a conspiracy to possess with the intent to distribute methamphetamine and distribution of methamphetamine in the Billings area.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

MARTY HOPPEL

On August 20, 2009, MARTY HOPPEL, a resident of Billings, appeared for sentencing. HOPPEL was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

HOPPEL was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

Between January of 2004 and December 2006, HOPPEL was involved with several other individuals in a conspiracy to possess with the intent to distribute methamphetamine in the Billings area.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

KRISTY ANN HOWARD and KATHLEEN GUAY PRESTON (HOWARD & PRESTON)

October 2, 2009, KATHLEEN GUAY PRESTON, age 47, and KRISTY ANN HOWARD, age 24, residents of Missoula, were sentenced.

PRESTON was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 5 years

HOWARD was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$100
- Community Service: 200 hours
- Supervised Release: 5 years

They were sentenced in connection with their guilty pleas to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

From the fall of 2004 through February of 2008, PRESTON and HOWARD conspired with other individuals to deliver methamphetamine from the Tacoma, Washington to the Missoula area.

When questioned by law enforcement, PRESTON admitted to dealing methamphetamine with this identified group. Specifically, she stated that from August of 2006 until October of 2006, she obtained one to two ounces a week from M.M. and from October through December of 2006, she received two ounces each week. In December 2006, she received eight ounces of methamphetamine to help M.H. raise bail for M.M., who had been arrested. PRESTON then received two ounces of methamphetamine every two weeks from M.H. through March of 2007.

She further stated that during April of 2007, another individual was looking for a source of supply, so PRESTON asked M.H. to drop off some methamphetamine for him. M.H. dropped off four ounces of methamphetamine for the individual.

After M.M. and M.H. were arrested, C.S., their source of supply, contacted PRESTON. C.S. wanted PRESTON to work off her drug debt owed to M.M., and to C.S. indirectly. PRESTON agreed. C.S. dropped off four ounces of poor-quality methamphetamine. PRESTON kept two ounces and HOWARD took two ounces. PRESTON returned the methamphetamine to C.S. when he returned due to its poor quality. C.S. dropped off an additional four ounces a few days later. Again, PRESTON kept two ounces and HOWARD took two ounces. PRESTON sold an eight-ball and returned the rest to C.S.

PRESTON estimated that of the methamphetamine she obtained, 70% went to another individual and 15% went to HOWARD until HOWARD cut out PRESTON and started

dealing directly with M.M. and M.H.

This individual provided a statement to law enforcement in June of 2008. He identified HOWARD as a source of methamphetamine. He stated that HOWARD obtained methamphetamine from PRESTON but then jumped PRESTON and began obtaining ¼ pound (4 ounces) quantities directly from PRESTON'S source, to include M.M., M.H., and C.S.

The individual further stated that for four months in early 2007, HOWARD would give him an 8-ball (4 grams) which he would sell. He would normally sell an 8-ball in less than a day and would often obtain multiple 8-balls each day from HOWARD.

A cooperating witness ("C1") told law enforcement in July of 2008 that he dealt briefly with HOWARD. Approximately April through July of 2007, C1 provided methamphetamine to HOWARD. During that time, C1 delivered ¼ ounce (4 grams) quantities about three times until she was able to purchase one ounce quantities (\$1,000/ounce). C1 then delivered one ounce quantities to her on seven occasions during that time period.

A second cooperating witness ("C2") told law enforcement that from 2005, C2 received approximately one ounce of methamphetamine from HOWARD. They lived together beginning in October 2007. When they lived together, HOWARD took three trips to Washington by Greyhound bus to pick up methamphetamine. C2 did not know the amount that HOWARD picked up.

Around Thanksgiving 2007, HOWARD called C2 from Spokane and asked C2 to pick her up. C2 saw HOWARD with two 8-balls of methamphetamine. C2 was given a teenager for picking up HOWARD. C2 said C2's car was used numerous times by HOWARD and others to make drug runs. C2 knew that HOWARD had a friend "Lori" and that HOWARD and "Lori" would pool their money for drug runs. Finally, C2 sold meth three times in May or June of 2008 to C.P., and each time it was one gram and the methamphetamine was through HOWARD.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

CHARLES IDHEN

On February 19, 2009, CHARLES IDHEN, a resident of Billings, appeared for sentencing. IDHEN was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 6 years

IDHEN was sentenced in connection with his guilty plea to distribution of methamphetamine within 1,000 feet of a school.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 4, 2007, IDHEN handed 5.8 grams of 70.9% methamphetamine or 4.1 grams of actual methamphetamine, a Schedule II controlled substance, to a confidential informant. The distribution occurred within one thousand feet of Riverside Middle School. When arrested, IDHEN admitted to law enforcement that he had distributed methamphetamine for several years prior to his arrest.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation's Big Sky Safe Streets Task Force, which includes the Billings Police Department and the Yellowstone County Sheriff's Office.

RICHARD SOLOMON JOHNSON

On January 8, 2009, RICHARD SOLOMON JOHNSON, a 31-year-old resident of Billings, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Supervised Release: 4 years

JOHNSON was sentenced in connection with his guilty plea to distribution of cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 5, 2008, JOHNSON was arrested and found to be in possession of a Glock .40 handgun. When questioned by law enforcement, he admitted to selling methamphetamine and cocaine (in both powder and rock form). JOHNSON also admitted that he had obtained the Glock approximately two weeks earlier as payment for a drug debt. JOHNSON indicated he carried the Glock prior to his arrest for protection of himself and his drug operation.

JOHNSON further admitted he had distributed 16 ounces of powder cocaine and 3 ounces of rock cocaine from 2006 up to his arrest on March 5, 2008.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

AVERY SCOTT KLEMP

On December 17, 2009, AVERY SCOTT KLEMP, a 30-year-old resident of Missoula, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 5 years

KLEMP was sentenced in connection with his guilty plea to distribution of Lysergic Acid Diethylamide ("LSD").

In an Offer of Proof filed by Assistant U.S. Attorney Tara J. Elliott, the government stated it would have proved at trial the following:

On February 12, 2009 a Controlled Source ("CS"), acting in cooperation with the Drug Enforcement Administration ("DEA"), purchased five (5) pounds of marijuana and a vial containing more than one (1) gram of LSD from KLEMP. A search warrant was then executed and the DEA recovered multiple pounds of marijuana, two additional vials of LSD, and approximately \$35,000 from KLEMP'S residence.

KLEMP was interviewed by law enforcement and admitted the above activity and admitted to selling between 570 and 1,100 pounds of marijuana from October 2007 through the date of his arrest.

The investigation was conducted by the Drug Enforcement Administration.

DONALD JAMES KONSHUK

On November 5, 2009, DONALD JAMES KONSHUK, a 37-year-old resident of Lolo, was sentenced to a term of:

- Prison: 175 months
- Special Assessment: \$100
- Supervised Release: 5 years

KONSHUK was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Tara J. Elliott, the government stated it would have proved at trial the following:

In April 2008, KONSHUK and another individual, hereafter referred to as "John Doe," began transporting large quantities of methamphetamine from the state of Washington to the Missoula area every three to four days.

On November 2, 2008, a controlled purchase was conducted between "John Doe," KONSHUK, and an undercover agent in Great Falls. The undercover agent purchased approximately 23 grams of a mixture containing methamphetamine (3.5 grams of actual methamphetamine) and 96 grams of marijuana.

On November 7, 2008, a second controlled purchase was conducted between KONSHUK and an undercover agent in Great Falls. The undercover agent purchased approximately 67 grams of a mixture containing methamphetamine (5.8 grams of actual methamphetamine) and 109 grams of marijuana.

On November 14, 2008, a third controlled purchase was conducted between KONSHUK and an undercover agent in Great Falls. The undercover agent purchased approximately 52 grams of a mixture containing methamphetamine (18.1 grams of actual methamphetamine) and 56 grams of marijuana from "John Doe."

On November 19, 2008 a fourth controlled purchase was planned between the undercover agent and KONSHUK. Prior to this deal, agents conducted a traffic stop on KONSHUK and his vehicle. Search warrants were obtained for the vehicle and KONSHUK'S residence. Approximately 146 grams of a mixture containing methamphetamine (84.8 grams of actual methamphetamine) were recovered from these search warrants.

The investigation was conducted by the Drug Enforcement Administration.

AUDREY LAMERE

On February 11, 2009, AUDREY LAMERE was sentenced to a term of:

- Prison: 128 months
- Special Assessment: \$100
- Supervised Release: 5 years

LAMERE was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January 2004 and January 2008, LAMERE and several other individuals were involved in a conspiracy to possess with the intent to distribute methamphetamine in the Great Falls area.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

**CHRISTIAN D. LAURIN and ALAN JAMES MULDER
(LAURIN & MULDER)**

On March 6, 2009, ALAN JAMES MULDER, age 20, and CHRISTIAN D. LAURIN, age 20, residents of Winnipeg, Manitoba, were each sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$100
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to conspiracy to possess with the intent to distribute/distribution of ecstasy.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 09, 2008, a Montana Highway Patrol trooper conducted a traffic stop on Interstate 94 near Glendive. LAURIN was the driver of the vehicle, Timothy M. Morneau was the front seat passenger, and MULDER was in the back seat. The vehicle was registered to MULDER and his parents.

During the course of the traffic stop the trooper had reason to believe there was illegal conduct taking place and asked for and received consent to search the vehicle from MULDER. The trooper asked them to follow him to the Montana Highway Patrol Office in Glendive to conduct the search due to the bad weather conditions.

During a search of the vehicle, three duffle bags were removed from the rear compartment of the car. A green duffle bag was opened revealing plastic bags wrapped in tape. One of the plastic bags was removed and found to contain tablets with a dolphin logo imprinted on them. The trooper recognized the tablets as being consistent with ecstasy. All three were then arrested for criminal possession of dangerous drugs.

The consent search was stopped and a search warrant was prepared and received for the vehicle. A large amount of ecstasy was recovered during a search of the vehicle.

Morneau was found guilty at trial and has been sentenced.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Montana Highway Patrol, the Dawson County Sheriff's Office, and the Montana Division of Criminal Investigation.

CARMEN ANN LAVERDURE

On April 9, 2009, CARMEN ANN LAVERDURE, a 56-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 80 months
- Special Assessment: \$100
- Supervised Release: 5 years

She was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 15, 2008, the Great Falls Police Department received a telephone call from an inmate at the Cascade County Detention Center, regarding methamphetamine trafficking by the Carmen and Ralph Laverdure. When later interviewed, the inmate stated over the past three months, he had obtained approximately one-half ounce of methamphetamine from the Laverdures. He stated he purchased the methamphetamine in .25 gram paper bindles. The inmate stated CARMEN LAVERDURE weighed-out and prepared the paper bindles of methamphetamine, as well as controlled the money after the sale of the narcotics. The inmate also stated he had smoked the methamphetamine with both Laverdures at their residence and had observed Ralph Laverdure attempting to make a methamphetamine pipe from a cigar tube.

On August 21, 2008, agents executed a search warrant on the Laverdure home. At that time, they seized thirty bindles of methamphetamine with a combined weight of 83.1 grams (including package weight), \$852.45 in cash, four methamphetamine pipes and a syringe.

When interviewed by law enforcement, CARMEN LAVERDURE stated that she and Ralph Laverdure were both users of meth, and that Ralph Laverdure sold meth and would sometimes give her the money to hold. She admitted that she would make 175-200 paper bindles of methamphetamine, weighing approximately .125 grams each. CARMEN admitted Ralph provided her with at least six plastic baggies of methamphetamine which totaled approximately 126-300 grams.

Interviews of witnesses disclosed that the Laverdures trafficked in well over a kilo (1,000 grams) of methamphetamine over the last five years.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement

and the Central Montana Drug Task Force.

JUDY MARIE LAVERDURE

On September 18, 2009, JUDY MARIE LAVERDURE, a 39-year-old resident of Great Falls, appeared for sentencing. LAVERDURE was sentenced to a term of:

- Prison: 160 months
- Special Assessment: \$300
- Supervised Release: 5 years

LAVERDURE was sentenced after having been found guilty during a 2-day trial of conspiracy to possess with the intent to distribute methamphetamine, possession with the intent to distribute methamphetamine, and distribution of methamphetamine.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Great Falls Police Department.

RALPH NELS LAVERDURE

On May 12, 2009, RALPH NELS LAVERDURE, a 61-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 124 months
- Special Assessment: \$100
- Supervised Release: 5 years

He was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 15, 2008, the Great Falls Police Department received a telephone call from an inmate at the Cascade County Detention Center, regarding methamphetamine trafficking by the LAVERDURES. When later interviewed, the inmate stated over the past three months, he had obtained approximately one-half ounce of methamphetamine from the LAVERDURES. He stated he purchased the methamphetamine in .25 gram paper bindles. The inmate stated Carmen Laverdure weighed-out and prepared the paper bindles of methamphetamine, as well as controlled the money after the sale of the narcotics. The inmate also stated he had smoked the methamphetamine with both LAVERDURES at their residence and had observed RALPH LAVERDURE attempting to make a methamphetamine pipe from a

cigar tube.

Other individuals, who have admitted to being involved in drug trafficking in the Great Falls area, have previously been interviewed and indicated they had purchased methamphetamine from RALPH LAVERDURE since 2005.

On August 21, 2008, agents executed a search warrant on the LAVERDURE home. At that time, they seized thirty bindles of methamphetamine with a combined weight of 83.1 grams (including package weight), \$852.45 in cash, four methamphetamine pipes and a syringe.

Agents attempted to interview RALPH LAVERDURE but he requested an attorney. However, Carmen Laverdure stated that she and RALPH LAVERDURE were both users of meth, and that RALPH LAVERDURE sold meth and would sometimes give her the money to hold. She admitted that she would make 175-200 paper bindles of methamphetamine, weighing approximately .125 grams each. Carmen Laverdure admitted RALPH LAVERDURE provided her with at least six plastic baggies of methamphetamine which totaled approximately 126-300 grams.

Interviews of witnesses disclosed that the LAVERDURES trafficked in well over a kilo (1,000 grams) of methamphetamine over the last five years.

Carmen Laverdure pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement and the Central Montana Drug Task Force.

LANCE LEWIS

On February 20, 2009, LANCE LEWIS, was sentenced to a term of:

- Prison: 235 months
- Special Assessment: \$300
- Supervised Release: 6 years

LEWIS was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 9, 2007, in Billings, a confidential informant purchased an "eight ball" of methamphetamine from LEWIS. The DEA Western Regional Laboratory examined the

substance and determined it was 3.3 grams of methamphetamine, which was 29.7% pure, for a total of .98 grams of actual methamphetamine.

Later that same evening at the same location, LEWIS gave the confidential informant 1/4 ounce of methamphetamine for \$630. The DEA Western Regional Laboratory examined the substance and determined it was 6.4 grams of methamphetamine, at 32.4% pure, making 2.0 grams of actual methamphetamine.

On June 19, 2008, at a different location in Billings, another confidential informant purchased a "teener" of methamphetamine from LEWIS for \$175. The DEA Western Regional Laboratory examined the substance and determined it was 1.8 grams of methamphetamine, which was 14.2% pure, making .25 grams of actual methamphetamine.

On July 18, 2008, LEWIS was arrested. Following LEWIS' arrest, his vehicle was searched by investigators. Methamphetamine was found and seized from the vehicle. The DEA Western Regional Laboratory examined the substance and determined that 3.9 grams of methamphetamine were seized, at 21.5% pure, making .83 grams of actual methamphetamine.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

JOHN JACOB LORENZ

On December 10, 2009, JOHN JACOB LORENZ, a 42-year-old resident of Fairview, appeared for sentencing. LORENZ was sentenced to a term of:

- Prison: 90 months
- Special Assessment: \$100
- Supervised Release: 4 years

LORENZ was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

From 2005 to 2007, LORENZ was involved in a conspiracy to possess with intent to distribute and distribution of methamphetamine, a Schedule II controlled substance. During the course of the conspiracy, the amount of methamphetamine distributed and possessed with the intent to distribute by LORENZ exceeded 50 grams of a mixture of methamphetamine.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Richland County Sheriff's Office, Sidney Police Department, the Montana Highway Patrol and the Montana Division of Criminal Investigation.

KENNETH LORENZ

On December 2, 2009, KENNETH LORENZ, a 60-year-old resident of Fairview, was sentenced to a term of:

- Prison: 83 months and 22 days
- Special Assessment: \$100
- Supervised Release: 8 years

LORENZ was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

Between 2005 and 2007, LORENZ was involved in a conspiracy with other individuals to possess with the intent to distribute methamphetamine and distribution of methamphetamine in Billings, Crane, Sidney, Fairview, Glendive, and other Montana and North Dakota locations.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Sidney Police Department, the Richland County Sheriff's Office, the Montana Highway Patrol, the Montana Division of Criminal Investigation in Miles City, and the Dawson County Sheriff's Office.

JAMES MACK

On July 24, 2009, JAMES MACK, a 30-year-old resident of Denver, Colorado, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 5 years

MACK was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute over 5 kilos of cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney Joseph E. Thaggard, the government stated it would have proved at trial the following:

On September 11, 2008, an undercover Montana Division of Criminal Investigation

(MDCI) agent purchased two ounces of cocaine from an individual in Billings. The purchase was part of an ongoing investigation by the MDCI of cocaine trafficking in Billings.

During the transaction, the agent agreed to purchase four pounds of cocaine from the individual's source of supply who lived in Denver, Colorado. Further investigation led the authorities to conclude the source of supply was an individual identified hereafter as C.S. 1.

On September 16, 2008, the Montana Highway Patrol and the Drug Enforcement Administration made a traffic stop on a vehicle on Interstate 90 in Montana. C.S. 1 was the passenger in the vehicle. A search of the vehicle disclosed the presence of six pounds of marijuana and approximately three kilograms of purported cocaine.

C.S. 1 disclosed that he was going to deliver the cocaine to customers in Billings. He stated he planned to take the proceeds from the sale of cocaine back to Denver, Colorado, where he would provide at least some of the money from the sale to Travis Henry and MACK.

C.S. 1 identified Henry as the "money guy" in the conspiracy, that is the person who financed at least part of the operation. C.S. 1 said he had only known Henry for a few months but that he had known MACK for several years.

C.S. 1 said on two other recent occasions he had successfully delivered a total of three kilograms from Denver to Billings.

C.S. 1 stated that his most recent delivery of cocaine to Billings went awry when the customer was robbed of approximately \$40,000 of drug proceeds which should have been paid to C.S. 1, Henry and MACK. C.S. 1 stated that Henry and MACK held him and the customer jointly responsible for the lost money.

C.S. 1 said that he hoped to make up the lost money by distributing the drugs seized from his vehicle by the authorities on September 16, 2008. He said two kilograms of the cocaine seized by the authorities from his vehicle were fake. He said the other kilogram actually contained cocaine. He said he planned to sell the fake cocaine to allow him to repay money he owed to Henry and MACK.

C.S. 1 then agreed to assist the authorities. As part of that assistance, he disclosed that he had been involved in the conspiracy since approximately 2006. He said that the conspiracy involved in excess of five kilograms of cocaine, some of which was delivered to Montana customers and some of which Montana customers traveled to Denver to obtain from him.

As part of his assistance, C.S. 1 also agreed to participate in a "reverse sting," pursuant to which he would deliver cocaine to Henry and MACK under the supervision of law

enforcement officers.

On September 30, 2008, C.S. 1 delivered six kilograms of cocaine to Henry and MACK as part of the reverse sting. Thereafter, Henry and MACK were arrested.

Travis Henry pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Montana Division of Criminal Investigation, the Montana Highway Patrol and the Eastern Montana High Intensity Drug Trafficking Area (HIDTA) Task Force.

JEFFREY MARSHALL

On February 9, 2009, JEFFREY MARSHALL, a 37-year-old resident of Havre, was sentenced to a term of:

- Prison: 200 months
- Special Assessment: \$100
- Supervised Release: 6 years

MARSHALL was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 15, 2008, after receiving information from a confidential informant that a black male was distributing drugs to another person on the Fort Belknap Reservation, Tribal officers responded to the area in which the crime took place. They observed a vehicle driven by MARSHALL, who is a black male.

The officers stopped the vehicle. MARSHALL got out of the vehicle and was running away when he was apprehended by Tribal officers. The officers found MARSHALL'S vehicle keys on a key ring in the snow. A metal container attached to the key ring contained a crystal substance. Near the key ring, the officers found a black case which contained methamphetamine packaged for distribution. They also found similarly packaged methamphetamine in MARSHALL'S wallet.

An agent from the Tri-Agency Safe Trails Task Force took custody of the substance seized from MARSHALL'S person, found in the black bag, and in the container on MARSHALL'S key ring. Those substances were tested by the DEA Laboratory, and found to contain a detectable amount of methamphetamine. Collectively, MARSHALL possessed slightly under 13 grams of a substance containing a detectable amount of methamphetamine.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was conducted by the Tri-Agency Safe Trails Task Force.

JOSE "PEPE" MARTINEZ

On September 8, 2009, JOSE "PEPE" MARTINEZ, age 36, was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 4 years

MARTINEZ was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2008 and 2009, MARTINEZ was involved with several individuals in a conspiracy to distribute methamphetamine.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RAYMOND MARTINEZ

On May 21, 2009, RAYMOND MARTINEZ, a 36-year-old resident of Bakersfield, California, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Supervised Release: 3 years

MARTINEZ was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 15, 2008, a search was performed on MARTINEZ and approximately 44 grams of a mixture containing methamphetamine was recovered from his person.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Helena Missouri River Drug Task Force.

DUSTIN JOSEPH McKINNEY

On April 9, 2009, DUSTIN JOSEPH McKINNEY, a 29-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 4 years

McKINNEY was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2006, officers of the Great Falls Police Department and the U.S. Immigration and Customs Enforcement (ICE) began to investigate the illegal distribution of methamphetamine in Great Falls.

The officers learned that J.C. (an indicted co-conspirator who is a fugitive), had imported multiple pounds of methamphetamine from California to Great Falls in the time period between January 1, 2005 and July 1, 2006.

As part of their investigation the officers interviewed Tiffany King. She informed the officers that J.C. had employed her and another co-conspirator, A.B., as distributors of methamphetamine in Great Falls. King said she had personally delivered more than 50 grams of methamphetamine to A.B. to distribute.

A.B. stated that McKINNEY was involved in the distribution as a co-conspirator through another co-conspirator, J.D. J.D. testified before a grand jury that McKINNEY was involved in the distribution and he, J.D., had delivered more than 50 grams of methamphetamine to McKINNEY to distribute.

Following his arrest, McKINNEY was interviewed and admitted to the authorities that he had distributed methamphetamine on behalf of J.D. McKINNEY further admitted that he distributed a large quantity of a substance or mixture containing a detectable amount of methamphetamine. During the interview officers determined the weight distributed by McKINNEY in total was in excess of 50 grams based on each separate incident he spoke of.

King, A.B., and J.D. pled guilty to federal charges and have been sentenced.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Great Falls Police Department.

LORI ANN MEIGS

On September 17, 2009, LORI ANN MEIGS, a 43-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 5 years

MEIGS was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

In 2004, William Feight began buying “eight balls” of methamphetamine from T.E., generally for personal use. T.E. was eventually arrested and his Mexican sources of supply approached Feight about selling the methamphetamine that they were bringing into the Bozeman area. Feight agreed and began receiving one ounce of meth from E.C. every one to three days from the summer of 2007 until September of 2008. Feight normally received the methamphetamine from E.C. at Lindley Park in Bozeman. During an interview with law enforcement, Feight estimated that he met E.C. at the park 20 to 50 times to obtain ounce quantities of methamphetamine.

MEIGS, who met Feight in approximately 2005, assisted him in obtaining and distributing methamphetamine. On one occasion, MEIGS accompanied Feight to Washington to buy two ounces of methamphetamine for \$2,400. On another occasion, MEIGS and Feight traveled to Idaho to purchase methamphetamine. One witness would have testified to seeing MEIGS routinely weigh methamphetamine for Feight during drug transactions.

On June 15, 2007, law enforcement officers monitored the controlled purchase of an eight ball of methamphetamine from Feight and MEIGS.

On November 28, 2007, Feight and another individual were stopped by the Montana Highway Patrol and Feight’s vehicle was impounded. Before law enforcement officers could obtain and execute a search warrant on that vehicle, Feight and his passenger broke into the impound lot and the vehicle. Witnesses and Feight later stated that a quantity of methamphetamine was removed from Feight’s vehicle during the break-in. MEIGS was present during that break-in.

On July 20, 2008, Feight was arrested following a vehicle pursuit with a Gallatin County

Sheriff's deputy. Feight eventually left the car and fled on foot before he was arrested. MEIGS was present during the pursuit, and drove the car while the arresting officer followed Feight on foot. Law enforcement officers searched the car and seized approximately 37 grams of methamphetamine (11.1 grams of actual meth).

In November 2008, following Feight's arrest on federal charges, MEIGS sold one-quarter gram of methamphetamine to W.L., a drug customer of Feight's. W.L. – and other Feight customers – had purchased meth from MEIGS on prior occasions as well, when Feight was periodically incarcerated on state drug charges.

Feight pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Drug Enforcement Administration in Billings.

**MANUEL MELGAR and AMBER REAVES
(MELGAR & REAVES)**

On December 3, 2009, MANUEL MELGAR and AMBER REAVES, residents of Billings, appeared for sentencing.

MELGAR was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine a term of:

- Prison: 21 months
- Special Assessment: \$100
- Supervised Release: 4 years

REAVES was sentenced in connection with her guilty plea to conspiracy to maintain drug involved premises to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Fine: \$500
- Forfeiture: 2 cars

In Offers of Proof filed by Assistant U.S. Attorney Joseph E. Thaggard, the government stated it would have proved at trial the following:

In August 2007, the Montana Division of Criminal Investigation and the Drug Enforcement Administration began to investigate the trafficking of cocaine by a criminal organization located in Billings. The investigation revealed that the leader of the organization in Billings was D.B.

As part of the investigation, law enforcement officers purchased a total of four ounces

of purported cocaine from two individuals in August and September of 2007. One of the individuals later told law enforcement that Ricardo Collazo-Canales had provided the cocaine to him. The individual also stated that he received a total of 20 ounces of cocaine from Collazo-Canales and then distributed the cocaine.

Other witnesses from Billings would have testified that they had also purchased cocaine from Collazo-Canales. Collectively, the evidence would have established that Collazo-Canales had possessed, with the intent to distribute, 500 grams or more of a substance containing a detectable amount of cocaine.

The investigation also found that between March 26, 2008, and July 10, 2008, MELGAR distributed a total of nine ounces and one gram of a substance containing a detectable amount of cocaine to an undercover agent. That cocaine was provided to MELGAR by Collazo-Canales.

A witness would have testified that he directly provided seven ounces of cocaine to MELGAR for distribution. Given the amount of drugs MELGAR distributed to the undercover agent over the course of the conspiracy, the amount of drugs witnesses would have testified had been provided to MELGAR, and MELGAR'S assumption of the role as a subordinate dealer of D.B.'s, the amount of cocaine attributable to MELGAR as part of the conspiracy was at least 500 grams of a substance containing a detectable amount of cocaine.

MELGAR subsequently admitted that he stored cocaine at a residence he and his girlfriend, REAVES, maintained in Billings.

A witness would have testified that REAVES knew the residence was employed for the use and distribution of cocaine.

Collazo-Canales pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Montana Division of Criminal Investigation, the Drug Enforcement Administration, and U.S. Immigration and Customs Enforcement.

MICHAEL E. METZGER

On April 29, 2009, MICHAEL E. METZGER, a 49-year-old resident of Billings, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Fine: \$5,000

METZGER was sentenced in connection with his guilty plea to prescription fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

METZGER is a licensed physician practicing in Billings and was a member of a physician group practice in Billings until August 2008.

In September of 2008, the Drug Enforcement Administration (DEA) was contacted by a pharmacy in Billings regarding pharmaceutical prescriptions presented by METZGER to be filled. The initial allegation made by the first pharmacy was that prescriptions provided by METZGER appeared to be signed by another physician. The other physician was shown the prescription by the pharmacy and confirmed that the signature on the prescription was not his.

Upon further investigation it was determined that four different pharmacies in the Billings area filled sixteen questionable prescriptions for METZGER. The prescriptions in question were allegedly prescribed to METZGER and an unnamed individual from January 2008 to August 2008. The prescriptions in question appeared to be signed by METZGER or another physician. Of the sixteen questioned prescriptions, five prescriptions were written by METZGER for himself or the unnamed individual. The remaining eleven prescriptions written for METZGER or the unnamed individual appeared to bear another physician's signature. Of the eleven prescriptions, three were for Oxycodone, a Schedule II narcotic and the remaining eight were for Provigil, a Schedule IV stimulant.

The other physician whose name appeared on the questioned prescriptions reviewed the eleven prescriptions and confirmed that the signature that appeared on the prescriptions was not his. The physician also confirmed that he had not treated nor prescribed any medications to METZGER or the unnamed individual for any condition.

The pharmacists at the four Billings pharmacies all confirmed that METZGER presented and picked up the eleven prescriptions bearing the forgeries of the other physician's signature, as well as the prescriptions he wrote for himself and the unnamed individual.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration Diversion.

JAVIER MILLAN-MARTINEZ

On December 3, 2009, JAVIER MILLAN-MARTINEZ, a 23-year-old resident of Denver, Colorado, appeared for sentencing. MILLAN-MARTINEZ was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100

- Supervised Release: 4 years

MILLAN-MARTINEZ was sentenced in connection with his guilty plea to conspiracy to distribute cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

In 2007, the Missouri River Drug Task Force, the Drug Enforcement Administration, and the U.S. Immigration and Customs Enforcement began investigating a cocaine-trafficking organization in Gallatin County. The investigation included surveillance of individuals and addresses, and multiple controlled purchases of cocaine by confidential informants. According to several interviews of witnesses and conspirators, MILLAN-MARTINEZ was a member of the drug trafficking organization and a source of supply from Denver.

On the following dates, law enforcement officers monitored controlled purchases of cocaine in the Bozeman area in the following amounts:

- March 12, 2008 - one ounce
- March 24, 2008 - five ounces
- April 15, 2008 - one ounce
- April 25, 2008 - one ounce
- April 30, 2008 - four ounces
- July 2, 2008 - one ounce
- August 6, 2008 - three ounces
- August 26, 2008 - two ounces
- September 22, 2008 - two ounces
- October 22, 2008 - one-half ounce
- October 28, 2008 - two ounces
- November 12, 2008 - three ounces
- November 25, 2008 - three ounces
- January 16, 2009 - two and one-half ounces
- March 31, 2009 - one and one-half ounce

On April 21, 2009, law enforcement monitored the purchase of five ounces of cocaine (138.4 grams) from MILLAN-MARTINEZ in Denver. On May 28, 2009, law enforcement arranged to purchase one pound of cocaine from MILLAN-MARTINEZ, again in Denver. The officers arrested MILLAN-MARTINEZ and searched his apartment. They seized approximately 572 grams of cocaine (including packaging), 36 grams of methamphetamine, a digital scale, and some false documents and photos. During a post-arrest interview, MILLAN-MARTINEZ admitted that the cocaine and meth belonged to him.

The investigation was a cooperative effort between the Missouri River Drug Task Force,

the Drug Enforcement Administration, and the U.S. Immigration and Customs Enforcement.

BYRON MILLER

On February 20, 2009, BYRON MILLER, was sentenced to a term of:

- Prison: 270 months
- Special Assessment: \$100
- Supervised Release: 10 years

MILLER was re-sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the City-County Special Investigation Unit in Billings, the Federal Bureau of Investigation and the Drug Enforcement Administration.

CELESTIA DIANE MIXON and ASHLEY WHEELER (MIXON & WHEELER)

On January 16, 2009, CELESTIA DIANE MIXON, age 20, and ASHLEY WHEELER, age 20, residents of Billings, were each sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$200
- Supervised Release: 5 years

They were sentenced in connection with their guilty pleas to conspiracy to possess and possession with the intent to distribute methamphetamine and possession of a firearm in furtherance of a drug-trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 21, 2006, law enforcement officers stopped WHEELER in the middle of the night on Grand Avenue in Billings. She was driving MIXON'S car. In the car were approximately 7.5 grams of methamphetamine and a Lorcin, Model L25, .25 caliber semiautomatic pistol.

On February 23, 2006, law enforcement visited MIXON and WHEELER at their

residence in Billings. MIXON advised an agent that there was a gun in the apartment. The agent recovered a Hi-Standard, Model Sentinel R-100, .22 caliber revolver, with an obliterated serial number, after MIXON directed the agent to its location in a plastic container. MIXON stated that she had received the gun in a trade for half a gram of methamphetamine. MIXON also stated that she kept the gun to protect herself and WHEELER in their drug business.

A cooperating witness would have testified that in 2005, he, WHEELER and MIXON were supplied methamphetamine by a source which they in turn would then distribute. In December of 2005, the cooperating witness went with WHEELER and MIXON to Spokane to receive methamphetamine from a different source. They brought back two to three ounces at approximately \$1,000 per ounce.

By 2006, the cooperating witness turned to WHEELER and MIXON as his source of supply. From January to May of 2006, the cooperating witness sold approximately an ounce of methamphetamine per week that he received from WHEELER and MIXON. He also dealt ecstasy that he received from WHEELER and MIXON. Some of the drug sales were to an undercover law enforcement agent.

The undercover agent would have testified that he purchased meth and ecstasy from the cooperating witness in Billings and observed WHEELER and MIXON on some of those transactions. The cooperating witness would have testified that the drugs he sold to the undercover agent were from WHEELER and MIXON.

Another witness would have testified that she lived with WHEELER and MIXON off and on when she was sixteen years old. From March of 2006 to May of 2006, the witness sold roughly two ounces of meth per week that she received from WHEELER and MIXON.

Another witness would have testified that she supplied WHEELER and MIXON with at least two pounds of methamphetamine in 2006.

Another witness would have testified that he supplied WHEELER and MIXON with at least a pound of methamphetamine in 2006, along with 500 ecstasy pills.

Testimony would have been presented that WHEELER threatened a fellow drug dealer with a handgun in late 2005 when she was seeking collateral on a drug debt. WHEELER also used a shotgun to threaten and intimidate a fellow female drug dealer in June of 2006. WHEELER was also present when MIXON used firearms to threaten other drug dealers, including a fellow female drug dealer in May of 2006 when that dealer failed to collect \$700 on a drug transaction.

Testimony would have been presented that MIXON shot at fellow drug dealers in their car in December of 2005 in the middle of the night on Fourth Avenue while WHEELER was driving, to collect \$900. MIXON also threatened a fellow female drug dealer in May

of 2006 over \$700 from a drug transaction. The \$700 drug debt was eventually paid in a controlled transaction by a law enforcement agent posing as the victim/witness's father. It was paid to MIXON personally. MIXON and WHEELER later beat up the victim/witness in September of 2006 for her cooperation with law enforcement. MIXON was also present or involved in WHEELER'S use of firearms to threaten fellow drug dealers, including an incident in late 2005 and an incident in June 2006. Multiple witnesses would have testified that WHEELER and MIXON carried firearms during their drug dealing.

Assistant U.S. Attorney Eric B. Wolff and Special Assistant U.S. Attorney Sheila Kolar prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Billings Police Department and the Yellowstone County Sheriff's Office.

**DEVLIN EUGENE MOORE and CHRISTIAN THOMAS GOCHIS
(MOORE & GOCHIS)**

On December 17, 2009, DEVLIN EUGENE MOORE, a 45-year-old resident formerly of Meridian, Mississippi and currently of Trenton, North Dakota, and CHRISTIAN THOMAS GOCHIS, a 40-year-old resident of Drummond, appeared for sentencing.

They were each sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 4 years

They were sentenced after having been found guilty during a 3-day trial of conspiracy to manufacture marijuana and conspiracy to distribute marijuana. Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Southwest Montana Drug Task Force.

ORLANDO MOORER

On January 14, 2009, ORLANDO MOORER, a 35-year-old resident of Hardin, was sentenced to a term of:

- Prison: 138 months
- Forfeiture: \$3,035 from drug deals
- Supervised Release: 5 years

MOORER was sentenced in connection with his guilty plea to possession with the intent to distribute and distribution of methamphetamine, use or possession of a firearm in furtherance of a drug-trafficking crime, and possession of a firearm by an unlawful drug user.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 24, 2005, Billings Police officers responded to the Billings hotel to investigate a drug complaint. The cleaning personnel for the hotel had located a nylon bag in a room registered to MOORER and his girlfriend. Inside the nylon bag were three rolls of cash totaling \$2,975 and 40 baggies of methamphetamine. Each of the baggies containing the methamphetamine weighed between .5 grams to 1 gram. Also located in the room, in close proximity to the methamphetamine, was a loaded Cobra .380 caliber semiautomatic pistol. An additional \$60 cash was also found in the room.

The substance which was seized was sent to the Western Laboratory to be weighed and analyzed. The weight of methamphetamine was 16 grams of 85.9% pure methamphetamine, or 13.7 grams actual methamphetamine.

In late August to early September of 2005, in Hardin, MOORER sold approximately ½ gram of methamphetamine to an individual in exchange for a Smith and Wesson .22 caliber revolver.

On September 24, 2005, a Billings Police officer approached a suburban driven by MOORER. The officer observed MOORER smoking methamphetamine from a glass pipe. MOORER admitted to having a pistol next to him. The pistol was seized and identified as a FEG, Model PA-63. 9x18 caliber semiautomatic. MOORER admitted to smoking methamphetamine while possessing the firearm.

On October 5, 2005, in Hardin, MOORER sold 1½ grams of methamphetamine to an individual in exchange for a Hi Point Lugar 9 millimeter firearm.

During a November 3, 2005 interview, MOORER admitted to law enforcement that he commonly carried a weapon during his drug transactions for protection. He also admitted to selling methamphetamine on several occasions and using approximately ½ gram of methamphetamine every week.

Special Assistant U.S. Attorney Sheila R. Kolar prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

TIMOTHY MORNEAU

On April 16, 2009, TIMOTHY MORNEAU, a resident of Winnipeg, Manitoba, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$200
- Supervised Release: 3 years

MORNEAU was sentenced after having been found guilty during a 2½-day trial of conspiracy to possess with the intent to distribute/distribution of ecstasy and possession with the intent to distribute of ecstasy.

MORNEAU'S co-defendants, Alan James Mulder and Christian D. Laurin pled guilty to conspiracy to possess with the intent to distribute/distribution of ecstasy and have been sentenced.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Montana Highway Patrol, the Dawson County Sheriff's Office, and the Montana Division of Criminal Investigation.

GINA MARIE MORSETTE

On March 30, 2009, GINA MARIE MORSETTE, a 38-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 84 months
- Special Assessment: \$100
- Supervised Release: 5 years

MORSETTE was re-sentenced in connection with her guilty plea to conspiracy to possess methamphetamine with intent to distribute after her original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

STEVEN B. NAVA, JR.

STEVEN B. NAVA, JR., a 33-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$200
- Supervised Release: 4 years

NAVA was sentenced in connection with his guilty plea to two different conspiracies to possess with the intent to distribute over 100 kilos of marijuana.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

Between 2003 and 2006 in Billings, NAVA was involved in conspiracies with other individuals to possess with the intent to distribute over 100 kilos of marijuana, a Schedule I controlled substance.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement, and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

CHRISTOPHER A. NESS

On February 19, 2009, CHRISTOPHER A. NESS, a 22-year-old resident of Billings, was sentenced to a term of:

- Prison: 140 months
- Special Assessment: \$ 200
- Supervised Release: 8 years

NESS was sentenced in connection with his guilty plea to possession with the intent to distribute cocaine and possession of a firearm in furtherance of drug trafficking.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Testimony would have been presented that NESS distributed cocaine to an undercover officer on the following dates and in the following amounts:

<u>Date</u>	<u>Amount</u>
02/14/08	6.5 grams of cocaine
02/15/08	25.5 grams of cocaine
02/19/08	12.2 grams of cocaine
04/3/08	27.40 grams of cocaine
04/17/08	44.7 grams of cocaine
04/24/08	27.2 grams of cocaine

On April 30, 2008, NESS was stopped outside of Park City while traveling east bound

on I-90 in his 2001 BMW. The car was seized and on May 1, 2008, law enforcement officers applied for and received authorization to search the BMW registered to NESS. Seized in the search were 275 grams of cocaine and a loaded Taurus 25 caliber Model PT25 handgun.

On May 14, 2008, NESS was interviewed and admitted that he distributed 5 pounds of powder cocaine to various individuals in the Billings area between November of 2007 and April 30, 2008, and that he had obtained the cocaine seized in the BMW on April 30, 2008, in Seattle for further distribution. NESS further admitted that he purchased the BMW with drug proceeds and that he traded a quarter gram of cocaine to a juvenile for the firearm. He also stated that he used the firearm for protection of drug proceeds and the cocaine in his vehicle on April 30, 2008, and carried the firearm with him as he possessed and distributed cocaine.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

SAUL NUNO

On April 29, 2009, SAUL NUNO, a 31-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 4 years

NUNO was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute marijuana and possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Through a confidential source (CS#1), agents learned that during the years 2003 and 2004, a source of supply (SOS#1) was transporting multi-hundred pound quantities of marijuana from California to Montana, to be delivered to NUNO and others. The SOS#1 was receiving drugs from Mexico that were smuggled through the port of entry in Tijuana. The marijuana was concealed in the undercarriage/gas tanks of vehicles, and the gas tanks were removed to withdraw the marijuana. The organization used SUV type vehicles, but also used a Toyota Camry with an electronic hidden compartment. During the period of the conspiracy, SOS#1 transported in excess of 1,300 pounds of marijuana to Billings. NUNO and another individual were two of the main recipients and distributors of these loads.

Numerous drivers were used to transport the drugs from California to Billings. The

drivers stayed at local hotels in the Billings area. The SOS or the CS would go and pick up the driver(s), provide them with a car, and take the loaded vehicle and have it unloaded. The SOS used several different locations to unload the drugs. The drivers were paid \$3,000 for transporting the drugs.

On occasion, the SOS brought the marijuana to the CS's house where they weighed it and broke it down into one pound packages. They hid the marijuana in the rafters of the garage, a hidden trap in the kitchen area, and also in the ceiling of the basement. In November 2002, NUNO and another individual were at a residence in Billings removing a gas tank that contained marijuana from a vehicle, when the vehicle caught on fire. NUNO was able to remove the marijuana and hide it, but the Yellowstone County Sheriff Office (YCSO) and fire department responded. The load of marijuana, approximately 200 pounds, had been provided by SOS#1. NUNO was storing the marijuana at his house and a subsequent check with the YCSO revealed they reported the fire as a vehicle fire/structure fire of an accidental nature.

CS#1 was present on two occasions when two individuals and SOS#1 assisted with removal of the marijuana from a vehicle. The first time, in May 2004, SOS#1 made arrangements to store drugs at one of the individual's house, and the individual assisted with weighing and repackaging the marijuana. The second load arrived approximately three months later. Each of the loads consisted of approximately 200 pounds of marijuana. CS#1 would go and pick up the marijuana from the individual's house and deliver it to customers.

During the conspiracy, NUNO started buying marijuana from this individual, who was also getting marijuana from SOS#1.

In mid-2004, CS#1 and another individual drove to Las Vegas and picked up SOS#1 and approximately 100-200 pounds of marijuana. SOS#1 drove back in the loaded vehicle with the individual.

During this same time frame, SOS#1 transported approximately 5 kilograms of methamphetamine and drug proceeds to Billings. SOS#1 told CS#1 he was selling the methamphetamine to make up for the money and marijuana lost during a robbery at his residence in Billings in May 2004.

Agents learned that NUNO, the manager of a restaurant in Billings, had marijuana for sale, and SOS#1 had methamphetamine for sale.

On January 21, 2004, CS#2 stated he was in contact with NUNO on January 20, 2004, and learned NUNO had pound quantities of marijuana for sale at \$800 per pound. NUNO told CS#2 he would bring the marijuana to the restaurant and CS#2 could pick up the marijuana. On January 21, 2004, at approximately 11:00 a.m., CS#2 placed a recorded telephone call to NUNO in an attempt to arrange the purchase of marijuana from NUNO.

On January 22, 2004, CS#2 placed a recorded telephone call to NUNO. NUNO was working at the restaurant and CS#2 agreed to meet him to purchase the marijuana. CS#2 and a law enforcement officer met with NUNO and purchased approximately 901.6 grams of marijuana from NUNO at the restaurant.

On March 3, 2004, agents learned that NUNO had approximately 26 pounds of marijuana at his home. Because the marijuana was old, NUNO was selling it for \$600 a pound. NUNO also had "new" marijuana that he was selling for approximately \$800 a pound. He also had very high quality marijuana that he referred to as "chronic" which was approximately \$3,000 a pound.

On March 3, 2004, CS#2 spoke with NUNO about obtaining methamphetamine in addition to the marijuana. NUNO told CS#2 he would check on the availability of methamphetamine and agreed to bring the marijuana to the restaurant the following day.

On March 4, 2004, a law enforcement officer and CS#2 met with NUNO and purchased approximately 3.8 pounds of marijuana. NUNO introduced himself and stated he was expecting fresher marijuana in the future. The law enforcement officer asked NUNO if he would be able to set him up with "some of the white stuff," referring to methamphetamine. After they spoke, the law enforcement officer handed NUNO \$2,400 and NUNO counted the money.

Law enforcement officers seized 130 pounds of marijuana in March of 2005 that was destined to NUNO. On January 3, 2008, a co-conspirator provided a detailed statement concerning the drug trafficking of NUNO and another individual. The co-defendant informed law enforcement officers that he was providing multi-hundred pound quantities of marijuana to NUNO in Montana.

The amount of marijuana directly attributable to NUNO is between 400 and 700 kilograms.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement, and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

SALVADOR ORDONEZ-MALDONADO

On February 19, 2009, SALVADOR ORDONEZ-MALDONADO was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100

- Supervised Release: 4 years

ORDONEZ-MALDONADO was sentenced after having been found guilty during a 1-day trial of possession with the intent to distribute marijuana.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Cascade County Sheriff's Office, the U.S. Immigration and Customs Enforcement, and the Central Montana Drug Task Force.

CHARLES BERNARD PARKE

On October 15, 2009, CHARLES BERNARD PARKE, a 40-year-old resident of Butte, was sentenced to a term of:

- Prison: 262 months
- Special Assessment: \$100
- Supervised Release: 8 years

PARKE was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine and marijuana.

In an Offer of Proof filed by Assistant U.S. Attorney Joseph E. Thaggard, the government stated it would have proved at trial the following:

On October 23, 2008, Butte Police officers were looking for PARKE in order to arrest him for an outstanding warrant for a violation of his state probation. Acting on a tip, they went to a residence where PARKE was believed to be hiding.

The officers observed PARKE in the vicinity of the residence. Although he began to run, officers eventually caught up to him. Just as they did, PARKE threw away a bag. The bag contained over three hundred grams of suspected methamphetamine and a small amount of marijuana. The amount of methamphetamine was consistent with the amount one would possess for purposes of distribution, rather than simple use.

When PARKE was searched, officers recovered a small bag of methamphetamine and four bags of marijuana packaged for sale.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Butte-Silver Bow Law Enforcement Agency.

ALFONZO HECTOR PENA

On October 2, 2009, ALFONZO HECTOR PENA, a 33-year-old resident of Kalispell,

was sentenced to a term of:

- Prison: 188 months
- Special Assessment: \$100
- Supervised Release: 5 years

PENA was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

During 2007, several individuals moved numerous pounds of methamphetamine from Spokane, Washington to Montana, primarily in Flathead and Lincoln Counties. Jamie Lake, from the Spokane area, was the primary source of supply. Lake then distributed methamphetamine to most of the other individuals, either directly or through cooperating witnesses.

This group initially moved ounce quantities and graduated to pound quantities before dismantling. The group used rental cars to transport the methamphetamine, motel rooms as meeting places, and runners at times to transport the methamphetamine. A trailer in Kalispell became a central meeting place for drug transactions.

PENA'S primary connection to this methamphetamine trafficking conspiracy was through the other individuals. PENA and an associate went to two of the individuals to receive methamphetamine to sell in the Libby area. These individuals confirmed that PENA went to the Kalispell trailer for drug transactions. A cooperating witness also confirmed PENA'S presence at the Kalispell trailer for at least one of these drug transactions.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Northwest Montana Drug Task Force.

**MICHAEL ANTHONY PETERS, DAVID PAUL PETERS,
STEVEN PAUL PETERS and GINA MARIE VARGAS
(PETERS, PETERS, PETERS & VARGAS)**

On October 23, 2009, MICHAEL ANTHONY PETERS, age 46, DAVID PAUL PETERS, age 47, STEVEN PAUL PETERS, age 21, residents of Missoula, and GINA MARIE VARGAS, a 45-year-old resident of Tacoma, Washington, were sentenced:

MICHAEL PETERS was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100

- Supervised Release: 8 years

DAVID PETERS was sentenced to a term of:

- Prison: 262 months
- Special Assessment: \$100
- Supervised Release: 8 years

STEVEN PETERS was sentenced to a term of:

- Prison: 70 months, concurrent with a state sentence
- Special Assessment: \$100
- Supervised Release: 5 years

GINA MARIE VARGAS was sentenced to a term of:

- Prison: 144 months
- Special Assessment: \$100
- Supervised Release: 8 years

They were sentenced in connection with their guilty pleas to conspiracy to possess with the intent to distribute heroin.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Black Tar heroin, an illegal and highly addictive opiate drug, is a variety of heroin produced primarily in Mexico.

An investigation by agents of the Missoula Police Department, the Missoula County Sheriff's Department and the Drug Enforcement Administration uncovered evidence that three members of a Missoula family – brothers MICHAEL and DAVID PETERS and MICHAEL'S son, STEVEN PETERS, had been actively distributing Black Tar heroin in the Missoula area since 2006. The investigation determined that their source of supply for the heroin was GINA VARGAS, a Tacoma, Washington resident.

In March of 2007, the Missoula Police Department Street Crimes Unit received information that a person later identified as STEVEN PETERS was obtaining quarter pound (4 oz.) quantities of heroin for distribution in the Missoula community. The heroin was reported to have been arriving at the bus station after having been flattened and placed in a manila envelope. Each four-ounce shipment had a value of approximately \$3,000.

On April 23, 2007, STEVEN PETERS was stopped by Missoula police. In the vehicle, officers located 35.5 grams (1¼ oz) of Black Tar heroin, which he admitted was his

own. Officers also found a “fix kit” – any container used to store the paraphernalia necessary to ingest or inject illegal drugs – which contained 5 used needles, a spoon, and the bottom portion of a burnt soda can. He was also carrying \$1,060 in \$20 bills, and three \$10 bills, for a total of \$1,090 in currency. In his bag officers found two more rolls of \$20 bills – with \$1,000 in each roll – for a total of \$2,000. STEVEN PETERS later admitted to law enforcement officers that he made trips to Washington State about once a month where he picked up an ounce and a half of heroin per trip, and then shipped it to himself by bus to avoid getting caught with the drug on the return trip.

Later that year, on September 24, 2007, the Missoula Police Department (MPD) obtained a search warrant for a motel room that was being used as a staging area for the use and distribution of heroin. An informant had advised the MPD that on September 19, 2007, several people had purchased \$250 worth of heroin from a female at the motel. Joined by officers assigned to the High Intensity Drug Trafficking Area (HIDTA) Task Force, the officers entered the motel room and discovered two males and a female. One of the males was identified as STEVEN PETERS. The other male was a relative of his. A search of the room revealed syringes, both used and unused. One syringe was “charged,” meaning that it had been filled with heroin for later use. The color of the liquid in the charged syringe was the same color as Black Tar heroin. Officers also discovered several small plastic bags which had been torn into small pieces. The heroin common in the Missoula area had viscous properties – being sticky and adhesive – and must be packaged in plastic to prevent absorption into the container. Officers also located a digital scale – commonly used for weighing out small measures of narcotics – on a table in the motel room. The male occupant was interviewed and admitted that he had used heroin in the past, but denied active use. He identified STEVEN PETERS as a distributor of heroin. He indicated that STEVEN PETERS had become involved with heroin after visiting his uncle in Tacoma.

The following year, on May 6, 2008, MICHAEL PETERS was arrested in Missoula. At the time of his arrest, he was in possession of small amounts of methamphetamine and marijuana and drug paraphernalia. MICHAEL PETERS and his female companion in the vehicle agreed to cooperate with agents of the HIDTA. The two provided substantial information about others involved in the drug trade in the Missoula area.

Later in 2008, the MPD received information that MICHAEL PETERS was distributing heroin which he was obtaining from a source in Washington. On October 10, 2008, his vehicle was stopped in Missoula. MICHAEL PETERS, his brother DAVID PETERS, and the woman he had been traveling with when arrested in May were in the car. A search of the vehicle revealed a blue metal container which held three individually wrapped packages of Black Tar heroin. MICHAEL admitted at the scene that DAVID had supplied the heroin found in the car. That fact was confirmed by the female occupant of the car.

DAVID PETERS was interviewed and admitted that the heroin found in the car was his and that he had brought about 5 grams of heroin with him from western Washington.

He denied he was distributing heroin – claimed that the heroin was for his personal use – but agreed to cooperate with authorities.

At about the same time, an informant was advising the MPD that members of the PETERS family and their companions were staying at a local motel in Missoula and distributing heroin from that room. MPD surveillance, initiated in November 2008, recorded unusual short-term traffic into and out of the room, a pattern consistent with narcotics activity. Vehicles were also present which officers recognized as vehicles belonging to the PETERS' family. Police were also able to identify several known heroin users entering and exiting the motel room. A concerned citizen also found used syringes and needles in the adjacent alley which were turned over the MPD.

Surveillance continued, on and off, through December 2008 and into January 2009. An informant advised officers that he or she had seen at least three grams of Black Tar heroin packaged for sale in the motel room.

On January 15, 2009, a search warrant was executed at which time MICHAEL and DAVID PETERS and were arrested. Officers found MICHAEL PETERS holding a syringe and appeared to be attempting to empty its contents. The syringe was filled with a black substance consistent with the color of Black Tar heroin. Another "charged" syringe was also discovered. A safe located under the bed was found to contain packaging material and marijuana. Officers also found a digital scale and in a box of men's clothing, a small white case which itself contained a smaller blue case. Inside of the blue container an agent found a chunk of Black Tar heroin (28+ grams). Next to the box of clothes was a woman's purse with four syringes and needles in the bottom. Two of the syringes were filled with a black colored substance consistent with heroin.

In DAVID PETERS' room, officers discovered a small black case containing two baggies which each held smaller plastic packages of a black substance later determined to be heroin. The bag also contained a syringe and a spoon, both common implements for the use of heroin. The officers found that the two plastic bags contained 52 one-half gram doses of heroin. Half gram amounts are the common street sale units of distribution in the heroin trade.

STEVEN PETERS' girlfriend was later interviewed and told agents that STEVEN had gotten into the heroin trade with his uncle "Paulie" (DAVID PAUL PETERS) and his father, MICHAEL PETERS. Beginning in about December of 2005, STEVEN had traveled to Washington State by bus every 3 to 4 weeks to obtain heroin, generally returning with two ounces (56 grams). STEVEN paid \$400 per ounce for the heroin and would sell half and use half (along with his girlfriend and other friends and relatives). After STEVEN was arrested in March of 2006, his girlfriend went into treatment and remained free of the drug until November of 2008, when she started using heroin obtained from DAVID and MICHAEL PETERS. During this time – November 2008 until January 2009 – she knew that DAVID or MICHAEL PETERS were making trips to Tacoma, Washington, to obtain heroin for sale in the Missoula area, and for their use

and the use of their family and friends. She knew that the source of heroin supply was the same for all three members of the PETERS family.

MICHAEL PETERS was interviewed and admitted to his role in the distribution of heroin. He identified his source of supply as GINA VARGAS, a woman he had met approximately two years earlier through his brother DAVID. He had been living in Tacoma at the time and was obtaining quarter oz. (4 grams) quantities of heroin from VARGAS on a weekly basis. After returning to Missoula, MICHAEL admitted he had made regular drug runs to Tacoma to obtain heroin, usually returning to Missoula with three ounces. He also confirmed that DAVID had made drug runs to Tacoma and that VARGAS was the source of heroin supply for STEVEN, who made regular bus trips to Tacoma to buy heroin. MICHAEL claimed that he had seen VARGAS in possession of as much as two 10-oz. bricks of Black Tar heroin on one occasion.

MICHAEL PETERS' girlfriend was interviewed and admitted that she and MICHAEL were regular heroin users. She confirmed that MICHAEL would make regular drug runs to Tacoma and that his source of heroin supply was a woman named "Gina" (VARGAS). On some occasions, she had accompanied MICHAEL on drug runs. She admitted that she had accompanied him to Tacoma to obtain heroin from VARGAS about one week before the January 15th search. She estimated that drug runs were being made about once a week for a five month period, and that 2 to 4 ounces would be obtained from VARGAS each time. The group paid VARGAS \$400 an ounce (28 grams) for the heroin and then sold it for \$100 a gram or \$50 per half-gram.

When arrested on April 22, 2009, VARGAS admitted that she had been the source of heroin supply for DAVID PETERS, MICHAEL PETERS and STEVEN PETERS.

VARGAS also admitted that she agreed to provide, and provided, heroin to them for distribution and that the cumulative amount of the heroin possessed with that intent – over a period of time and to all three men – exceeded one hundred grams.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Missoula Police Department, the Missoula County Sheriff's Office, and the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

ALBERTO QUIROZ-MENDEZ

ALBERTO QUIROZ-MENDEZ, a 28-year-old resident of Pasco, Washington, was sentenced to a term of:

- Prison: 165 months
- Special Assessment: \$300
- Supervised Release: 5 years

QUIROZ-MENDEZ was sentenced after having been found guilty during a 2-day trial of conspiracy to possess and possession with the intent to distribute methamphetamine and distribution of methamphetamine.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force and the U.S. Immigration and Customs Enforcement.

JOSE RODRIGUEZ-MURILLO

On October 22, 2009, JOSE RODRIGUEZ-MURILLO, a 33-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 4 years

RODRIGUEZ-MURILLO was sentenced in connection with his guilty plea to conspiracy to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2007, the Missouri River Drug Task Force, the Drug Enforcement Administration, and U.S. Immigration and Customs Enforcement began investigating a cocaine-trafficking organization in Gallatin County. The investigation included surveillance of individuals and addresses, and multiple controlled purchases of cocaine by confidential informants. RODRIGUEZ-MURILLO was a member of the drug trafficking organization.

On the following dates, law enforcement officers monitored controlled purchases of cocaine in the following amounts:

- March 12, 2008 - one ounce;
- March 24, 2008 - five ounces;
- April 15, 2008 - one ounce;
- April 25, 2008 - one ounce;
- April 30, 2008 - four ounces;
- July 2, 2008 - one ounce;
- August 6, 2008 - three ounces;
- August 26, 2008 - two ounces;
- September 22, 2008 - two ounces;
- October 22, 2008 - one-half ounce;
- October 28, 2008 - two ounces;
- November 12, 2008 - three ounces;

- November 25, 2008 - three ounces;
- January 16, 2009 - two and one-half ounces; and
- March 31, 2009 - one and one-half ounce.

RODRIGUEZ-MURILLO provided the cocaine on October 22, 2008, and was present with Juan Vargas-Flores on October 28, 2008. All told, law enforcement officers either purchased or seized over 845 grams of cocaine.

On April 20, 2009, RODRIGUEZ-MURILLO was arrested at a residence in Gallatin County. He told law enforcement that he had traveled to Denver on at least seven occasions to transport cocaine back to the Bozeman area. He was sometimes paid \$600 for those trips and traveled with other conspirators. RODRIGUEZ-MURILLO said they paid \$650 per ounce of cocaine. RODRIGUEZ-MURILLO also admitted selling cocaine in the Bozeman area on two occasions.

Vargas-Flores pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Drug Enforcement Administration, and U.S. Immigration and Customs Enforcement.

JOSE JAVIER RUIZ-PELAYO

On May 11, 2009, JOSE JAVIER RUIZ-PELAYO, a 34-year-old resident of Othello, Washington, was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 5 years

RUIZ-PELAYO was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between about March 18, 2008, and August 16, 2008, RUIZ-PELAYO was involved in a conspiracy with other individuals to possess with the intent to distribute methamphetamine. The total confirmed weight of methamphetamine delivered during the conspiracy was in excess of fifty grams.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task

Force and the U.S. Immigration and Customs Enforcement.

ELEAZAR SANCHEZ-HERRERA

On April 16, 2009, ELEAZAR SANCHEZ-HERRERA, a 47-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 66 months
- Special Assessment: \$200
- Supervised Release: 4 years

SANCHEZ-HERRERA was sentenced in connection with his guilty pleas to conspiracy to possess with the intent to distribute, distribution of cocaine and illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From approximately November or December of 2006, and continuing until January 18, 2008, SANCHEZ-HERRERA was involved with other individuals in a conspiracy to possess with the intent to distribute and distribution of over 500 grams of cocaine in the Billings area.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the High Intensity Drug Trafficking Area (HIDTA) Task Force and U.S. Immigration and Customs Enforcement.

MIGUEL SANTOS-MIJANGOS

On October 16, 2009, MIGUEL SANTOS-MIJANGOS, a 32-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 4 years

SANTOS-MIJANGOS was sentenced in connection with his guilty plea to conspiracy to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2007, the Missouri River Drug Task Force, the Drug Enforcement Administration and

the U.S. Immigration and Customs Enforcement began investigating a cocaine-trafficking organization in Gallatin County. The investigation included surveillance of individuals and addresses, and multiple controlled purchases of cocaine by confidential informants. SANTOS-MIJANGOS is a member of the drug trafficking organization.

On the following dates, law enforcement officers monitored controlled purchases of cocaine in the following amounts:

- March 12, 2008 - one ounce
- March 24, 2008 - five ounces
- April 15, 2008 - one ounce
- April 25, 2008 - one ounce
- April 30, 2008 - four ounces
- July 2, 2008 - one ounce
- August 6, 2008 - three ounces
- August 26, 2008 - two ounces
- September 22, 2008 - two ounces
- October 22, 2008 - one-half ounce
- October 28, 2008 - two ounces
- November 12, 2008 - three ounces
- November 25, 2008 - three ounces
- January 16, 2009 - two and one-half ounces
- March 31, 2009 - one and one-half ounce

SANTOS-MIJANGOS provided the cocaine on 8 of the 15 drug deals listed above. All together, law enforcement officers either purchased or seized over 845 grams of cocaine.

On April 20, 2009, SANTOS-MIJANGOS and Juan Vargas-Flores were arrested at their residence in Gallatin County. A package containing cocaine was located near SANTOS-MIJANGOS' wallet and he told a DEA agent that the package belonged to him. SANTOS-MIJANGOS told law enforcement that he had been selling cocaine in the Bozeman area for approximately one year. He described his source of supply in Denver, Colorado, the price per gram for which he sold cocaine in Bozeman, and said that he usually traveled to Denver twice per month, with co-conspirators, to buy five or six ounces of cocaine.

Vargas-Flores pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement and the Missouri River Drug Task Force.

BRETT SCHEELER

On October 14, 2009, BRETT SCHEELER, a 47-year-old resident of Billings, appeared for sentencing. SCHEELER was sentenced to a term of:

- Prison: 56 months
- Special Assessment: \$100
- Supervised Release: 8 years

SCHEELER was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

On November 12, 2008, an officer with the City-County Special Investigation Unit in Billings developed a confidential informant to make purchases of methamphetamine from SCHEELER.

On the morning of November 14, 2008, the CI placed a monitored and recorded call to SCHEELER to arrange a meth deal. The CI said he would be in Billings between 2:00 and 2:30 to complete the deal. A short time later, SCHEELER was observed by surveillance units and it was decided to initiate a traffic stop on SCHEELER'S vehicle if he arrived at the appointed location and time to deliver the drugs. The vehicle was subsequently stopped.

SCHEELER admitted that the \$893 found in his pocket was money he received from methamphetamine sales that day. SCHEELER also admitted that the methamphetamine found on his person as well as in his vehicle belonged to him and that he had received the methamphetamine earlier in the day. SCHEELER believed he had approximately one ounce of methamphetamine in his vehicle or on his person. A small baggie containing suspected marijuana was also found on SCHEELER'S person.

The DEA lab results of the two bags seized in SCHEELER'S car and on his person was 23.10 grams of a mixture, 41.6% pure or 9.60 grams of actual and 13.5 grams of a mixture, 36.1% pure or 4.80 grams of actual.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the City-County Special Investigation Unit in Billings.

DEBBIE SCHLEINING

On October 27, 2009, DEBBIE SCHLEINING, a 48-year-old resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

SCHLEINING was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute and distribution of marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

SCHLEINING was involved with other individuals in a conspiracy to possess with the intent to distribute and distribution of between 60 and 80 kilograms of marijuana, a Schedule I controlled substance, in the Billings area.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

MICHAEL SCHLEINING

On October 28, 2009, MICHAEL SCHLEINING, a 26-year-old resident of Billings, was sentenced to a term of:

- Prison: 25 months
- Special Assessment: \$100
- Supervised Release: 3 years

SCHLEINING was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

SCHLEINING was involved with other individuals in a conspiracy to possess with the intent to distribute and distribution of between 60 and 80 kilograms of marijuana, a Schedule I controlled substance, in the Billings area.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

**RENO SHAMBO AND CAROL RAMONA STIFFARM-SHAMBO
(SHAMBO & STIFFARM-SHAMBO)**

On September 21, 2009, RENO SHAMBO, age 45, and CAROL RAMONA STIFFARM-SHAMBO, age 41, residents of Hays, were each sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$25
- Restitution: \$1,000
- Supervised Release: 1 year

They were sentenced after having been found guilty during a 2-day trial of attempted simple possession of methamphetamine.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Tri-Agency Drug Task Force and the Drug Enforcement Administration.

SCOTT ALLEN SHIRLEY

On November 20, 2009, SCOTT ALLEN SHIRLEY, a 38-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 64 months
- Special Assessment: \$100
- Supervised Release: 5 years

SHIRLEY was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

During 2007, Jamie Lane Lake, Daniel Lyn Bennett, SCOTT ALLEN SHIRLEY and Justin Bradford Hessler moved numerous pounds of methamphetamine from Spokane, Washington, to Montana, primarily in Flathead and Lincoln Counties. Lake, who was from the Spokane area, was the primary source of supply. Lake then distributed methamphetamine to SHIRLEY, Hessler and Christopher Fraleigh. Bennett was used by Lake for security and enforcement.

The group initially moved ounce quantities and graduated to pound quantities before dismantling. They used rental cars to transport the methamphetamine, motel rooms as meeting places, and used runners at times to transport the methamphetamine.

Specifically, Lake, along with SHIRLEY and two cooperating witnesses, trafficked the methamphetamine from Spokane to Kalispell by vehicle. Bennett would ride with Lake as security on these drug runs.

Fraleigh's Kalispell trailer was used as a meeting and dealing location. Ultimately, Lake rented the trailer and used it as a drug house. Lake, SHIRLEY, Hessler, Fraleigh and others met at the trailer for drug transactions. Bennett worked as security at the trailer.

Donovan Wayne Dehnel received some methamphetamine through this group. Dehnel's main connection to this group was through his girlfriend. He went with his girlfriend to the Kalispell trailer used by this group for drug transactions. Dehnel used and sold gram quantities of methamphetamine.

Lake, SHIRLEY and Hessler have admitted their involvement in the conspiracy. Lake admitted to obtaining methamphetamine in the Spokane area and selling it in the Kalispell area, or providing it to individuals who then transported the methamphetamine to Kalispell. He also admitted that he used Bennett for security purposes.

SHIRLEY admitted selling methamphetamine for Lake. He described getting into debt to Lake and having a car taken from him to pay part of the owed debt. SHIRLEY was also ordered to collect money from people who owed him to pay back Lake.

Hessler admitted to receiving and selling Lake methamphetamine through other cooperating individuals. He also admitted he went to the Kalispell trailer on occasion to receive methamphetamine. He further admitted to wiring money from Montana to Lake in Spokane. Hessler also admitted he participated in a drug run to Spokane where methamphetamine was obtained from Lake at the Red Lion Hotel.

Lake, Bennett, Hessler, Dehnel, and Fraleigh, pled guilty to federal charges and have been sentenced.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Northwest Montana Drug Task Force, the U.S. Immigration and Customs Enforcement and The Montana Division of Criminal Investigation/Narcotics Investigation Bureau.

JOEL DUANE SEASE

On November 10, 2009, JOEL DUANE SEASE, a resident of Billings, was sentenced to a term of:

- Prison: 76 months
- Special Assessment: \$100
- Supervised Release: 8 years

SEASE was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of cocaine.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

On April 17, 2008, a controlled drug purchase was set up between an individual and a confidential informant (CI). The controlled purchase was to be for approximately two ounces of powder cocaine for \$3,100. When the CI and an undercover officer met with the individual to purchase the cocaine, SEASE was identified as the passenger in the vehicle. During the meeting with the other individual, SEASE got out of the vehicle and went over to the undercover officer's vehicle. SEASE told them that their small purchase of \$3,000 was nothing and indicated he was used to dealing in much higher quantities. SEASE was present when the other individual distributed 44.70 grams of cocaine to the undercover officer.

On April 24, 2008, SEASE was present with another individual when he distributed 27.20 grams of cocaine.

On September 11, 2008, another individual advised law enforcement that SEASE was selling cocaine for this individual during the period of the conspiracy. Between December 2007 and April 2008, the individual obtained over five pounds of cocaine and SEASE helped him distribute the cocaine. SEASE also acted as a middle man for him and helped distribute additional cocaine.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

MARY GLENN TERRY

On February 12, 2009, MARY GLENN TERRY, a 25-year-old resident of Richmond, Virginia, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Forfeiture: house
- Community Service: 200 hours

TERRY was sentenced in connection with her guilty plea to conspiracy to manufacture marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in April of 2007 and continuing through August of 2007, TERRY and other individuals grew marijuana in Missoula County.

On August 22, 2007, law enforcement executed a search warrant at the TERRY residence in Missoula County where TERRY and her brother-in-law lived. Law enforcement located 83 plants within their house. TERRY'S husband ran the marijuana grow operation while in custody in Washington State while TERRY and her brother-in-law followed instructions on the day-to-day operation of the marijuana grow. TERRY ran the marijuana grow and sales operation. This arrangement was confirmed through recorded phone calls from her husband's place of incarceration.

Specifically, TERRY was instructed to purchase uniform nursery pots that were six inches across and very deep. Also, a construction crew saw TERRY smoking marijuana in her house during the fall of 2006 with her brother-in-law.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Drug Enforcement Administration and the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

BILLY JOE THORNE

On December 17, 2009, BILLY JOE THORNE, a 46-year-old resident of Garrison, was sentenced to a term of:

- Prison: 13 months
- Special Assessment: \$100
- Supervised Release: 4 years

THORNE was sentenced in connection with his guilty plea to conspiracy to manufacture marijuana.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

On or about October 8, 2008, law enforcement officers executed a search warrant after having found a marijuana growing operation in Garrison. The marijuana grow consisted of three greenhouses that contained just over 200 full-grown marijuana plants.

When interviewed by law enforcement, THORNE stated that he owned the property and admitted to growing marijuana in the three greenhouses. THORNE also stated that Christian Gochis was one of his partners in the marijuana grow and that the marijuana came from Gochis and California. He also said that the marijuana grow was about three weeks from harvest and that Gochis and Develin Moore helped him tend the marijuana plants. THORNE stated that most of the 2007 marijuana was stolen when he took a trip back home to Mississippi, however he was able to distribute some of the 2007 marijuana.

Officers took photographs of the marijuana grow operation during their execution of the search warrant. They also took samples of the marijuana and shipped those samples to the DEA laboratory in San Francisco. Laboratory analysis confirmed that the plants were marijuana.

Gochis and Moore were found guilty after a trial and have been sentenced.

The investigation was conducted by the Drug Enforcement Administration.

JUAN VARGAS-FLORES

On October 16, 2009, JUAN VARGAS-FLORES, a 30-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 4 years

VARGAS-FLORES was sentenced in connection with his guilty plea to conspiracy to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2007, the Missouri River Drug Task Force, the Drug Enforcement Administration, and the U.S. Immigration and Customs Enforcement began investigating a cocaine-trafficking organization in Gallatin County. The investigation included surveillance of individuals and addresses, and multiple controlled purchases of cocaine by confidential informants. VARGAS-FLORES is a member of the drug trafficking organization.

On the following dates, law enforcement officers monitored controlled purchases of cocaine in the following amounts:

- March 12, 2008 - one ounce;
- March 24, 2008 - five ounces;
- April 15, 2008 - one ounce;
- April 25, 2008 - one ounce;
- April 30, 2008 - four ounces;
- July 2, 2008 - one ounce;
- August 6, 2008 - three ounces;
- August 26, 2008 - two ounces;
- September 22, 2008 - two ounces;
- October 22, 2008 - one-half ounce;
- October 28, 2008 - two ounces;
- November 12, 2008 - three ounces;

- November 25, 2008 - three ounces;
- January 16, 2009 - two and one-half ounces; and
- March 31, 2009 - one and one-half ounce.

VARGAS-FLORES provided the cocaine on 4 of the 15 drug deals listed above. All told, law enforcement officers either purchased or seized over 845 grams of cocaine.

On April 20, 2009, VARGAS-FLORES and Miguel Santos-Mijangos were arrested at their residence in Gallatin County. VARGAS-FLORES told law enforcement that he had transported cocaine from Denver to the Bozeman area more than ten but less than 15 times. He said he normally picked up seven ounces. He described his source of supply in Denver and admitted selling three ounces of cocaine in Bozeman on at least three occasions. VARGAS-FLORES said that the largest sum of money transported to Denver at one time to buy cocaine was \$10,000.

Santos-Mijangos pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Drug Enforcement Administration, and the U.S. Immigration and Customs Enforcement.

MARIO VARGAS-SAENZ

On September 23, 2009, MARIO VARGAS-SAENZ, a 37-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 10 years
- Special Assessment: \$200
- Supervised Release: 5 years

VARGAS-SAENZ was sentenced in connection with his guilty plea to two counts of possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Testimony from witnesses would have shown that in 2008, VARGAS-SAENZ possessed methamphetamine with the intent to distribute it.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

LAMAR WEBSTER

On April 17, LAMAR WEBSTER, a 40-year-old resident of Hayward, California, was sentenced to a term of:

- Prison: life in prison without parole
- Special Assessment: \$400

WEBSTER was sentenced after having been found guilty during a 4-day trial of conspiracy to possess and possession with the intent to distribute methamphetamine, money laundering conspiracy and money laundering.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

ZACHARY SYLVESTER WILLIS

On January 29, 2009, ZACHARY SYLVESTER WILLIS, a 27-year-old resident of Missoula, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

WILLIS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine and oxycontin.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between May of 2006 through April of 2007, WILLIS received ounce quantities of cocaine from Steven James Olsen for distribution in the Bozeman area. WILLIS also received oxycontin tablets – through the mail from an out-of-state source – for distribution in the Bozeman area.

Olsen supplied WILLIS with approximately seven ounces of cocaine on three separate occasions. The first transaction involved one ounce of cocaine. The second transaction involved four ounces, and the third deal was for two ounces. WILLIS did not pay Olsen for the four-ounce deal because most of that cocaine was seized by law enforcement during a search of an apartment where WILLIS lived with his girlfriend. On February 14, 2007, law enforcement had responded to WILLIS' apartment in Bozeman concerning an unrelated incident. During the investigation into that incident, the officers

found and seized approximately 93 grams (about 3 ounces) of cocaine. That cocaine had been supplied to WILLIS by Olsen.

WILLIS also possessed and distributed oxycontin tablets in the Bozeman area. Olsen witnessed WILLIS trade 45 oxy pills to an individual in exchange for a television set in late April or early May of 2006. This individual ingested several of the pills and sold the others. On a later occasion, Olsen purchased four oxycontin tablets from WILLIS for another individual.

Olsen pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Missouri River Drug Task Force.

EPIFANIO ZUNIGA

On July 10, 2009, EPIFANIO ZUNIGA, a 29-year-old resident of Othello, Washington, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

ZUNIGA was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On November 24, 2008, agents from the U.S. Immigration and Customs Enforcement (ICE) and the Montana Division of Criminal Investigation (DCI) purchased three ounces of methamphetamine and one pound of marijuana from ZUNIGA. DCI agents had previously purchased one pound of marijuana from ZUNIGA on two prior occasions in Arlee.

On the same day, ZUNIGA had sent a text message to the agents to negotiate the purchase of the methamphetamine and marijuana. They met ZUNIGA in the parking lot of a restaurant in Arlee. ZUNIGA got into the officers' car and handed one of the agents a heat-sealed bag containing the pound of marijuana. ZUNIGA also gave the agent three ounces of meth. The agents and ZUNIGA then negotiated a price for the drugs – \$2,000 per ounce for the methamphetamine and \$2,800 for the marijuana – and the agents exited their vehicle to get the money for ZUNIGA. Other officers then placed ZUNIGA under arrest.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Northwest Montana Drug Task Force, and the Montana Division of Criminal Investigation.

ENVIRONMENTAL AND WILDLIFE

LEO O. BERGTOLL, ANNA LOU BERGTOLL, and DARREL L. BERGTOLL

On August 19, 2009, LEO O. BERGTOLL, ANNA LOU BERGTOLL, and DARREL L. BERGTOLL, residents of Saco, were sentenced.

LEO BERGTOLL was sentenced to a term of:

- Probation: 36 months
- Special Assessment: \$100
- Fine: \$15,000
- Community Service

ANNA LOU BERGTOLL was sentenced to a term of:

- Probation: 24 months
- Special Assessment: \$25
- Fine: \$15,000
- Community Service

DARRELL BERGTOLL was sentenced to a term of:

- Probation: 40 months
- Special Assessment: \$25
- Fine: \$15,000
- Community Service

They were sentenced in connection to their guilty pleas to violations of the Lacey Act.

In an Offer of Proof filed by Special Assistant U.S. Attorney Robert S. Anderson, the government stated it would have proved at trial the following:

LEO BERGTOLL, ANNA LOU BERGTOLL and DARREL BERGTOLL operated the Frenchman Valley Ranch ("the FVR" or "the Ranch"), a multi-thousand acre cattle ranch near Saco. LEO and ANNA LOU, a married couple, lived on the Ranch. Their son, DARREL, owned a separate parcel of land nearby, where he lived with his family.

The rifle season for big-game hunting in Montana spans a five-week period each fall. Going back a decade or more, a fresh group of several non-resident hunters arrived at

the FVR each week of the season to hunt big game. These hunting clients were solicited early each year by Louisiana resident A.B., a longtime associate of the BERGTOLLS. By pre-arrangement with LEO and ANNA LOU, A.B. would offer each hunter a week-long fall big-game hunting excursion at the FVR for approximately \$1,200. This fee was not paid until the hunter came to the ranch in the fall, but at the time of recruitment, A.B. would collect \$800 from each client as a service charge for applying on the client's behalf for a Montana landowner-sponsored buck deer hunting license.

Under Montana law, buck deer hunting licenses are not available "over the counter" to non-resident hunters. Instead, non-residents wishing to kill buck deer must apply, with the sponsorship of a specific landowner, for a license to hunt buck deer on that landowner's property.

Early each year, A.B. would forward the client's names to ANNA LOU, along with the Montana license application fee of approximately \$300, pocketing the remainder. ANNA LOU would submit the client names, application and \$300 fee for each client to the State of Montana for the landowner-sponsored license drawing. DARREL would also submit a list of client names, obtained from A.B., for his property. The state issues a limited number of landowner-sponsored licenses, and some applicants each year are unsuccessful in the license drawing. In May of each year, the State of Montana would notify the applicants of whether they had drawn a license or not. Every year, some clients recruited by A.B. failed to draw a license. A.B. would encourage clients who did not draw licenses to come and hunt on the FVR anyway, assuring them that licenses could be obtained after their arrival. Clients who drew licenses sponsored by DARREL, which were not valid on the FVR, were nevertheless taken to the FVR to hunt.

Prior to the hunting season each year, LEO, ANNA LOU, and DARREL would also obtain "over the counter" resident Montana deer and/or elk hunting licenses and solicit their other family members and/or hired hands to do the same. LEO and ANNA LOU would buy resident licenses from FVR employees for approximately \$100, to later resell to non-resident hunting clients who had not drawn a landowner-sponsored license. (It is unlawful in Montana to hunt without a valid license and to transfer a license issued to one person, to another person.) Meanwhile, ranch employees would be directed to ready a bunkhouse, vehicles and hunting stands for use by A.B. and the hunting clients.

Shortly before the opening of the big game rifle hunting season each year, A.B. and the first group of clients would arrive in Billings by air and be transported to the FVR by a ranch employee. Subsequently during the season, A.B. would transport each weekly group of hunters between the FVR and the Billings airport. A.B. would advise each group of clients that, licensed or not, they could shoot buck deer or bull elk if they wanted. Upon arrival at the FVR, each client paid the \$1,200 fee, either in cash or by check made out to "Frenchman Valley Ranch." Approximately 20 permanent wooden hunting blinds are present on the Ranch. A.B. would cook for each group of clients and tell them what hunting stands to use each day. Many clients who had not drawn a

landowner-sponsored license shot buck deer or bull elk. When this happened, a license which had previously been issued to one of the BERGTOLLS, a family member, or hired hand, was sold to the client for \$100. Trophy parts of deer and elk killed unlawfully by unlicensed hunters, "covered" by resident licenses, would be transported to a nearby taxidermist for mounting, or occasionally transported by the clients to their home states.

As payment for his "client wrangling" services, A.B. would retain at least one hunting fee of approximately \$1,200 each season, in addition to the approximately \$500 profit he made on the application service charge he had previously collected from each client.

In some years, as noted above, DARREL sponsored clients recruited by A.B. for landowner-sponsored licenses on his property, which is separate from the FVR. However, all hunters who arrived in Montana were taken to the Frenchman Valley Ranch to hunt, regardless of the specific property to which a given license applied.

During the 2003 fall big game hunting season, approximately 10 buck deer (whitetail and mule deer) were killed on the FVR by paying, non-resident hunting clients who either did not possess a landowner-sponsored buck deer license, or possessed a landowner sponsored license for property other than the FVR, including DARREL'S property. All such animals were tagged either with invalid landowner licenses or Montana resident licenses issued to a BERGTOLL or a ranch employee. Investigators from the Montana Department of Fish, Wildlife and Parks discovered the scheme in 2003 and have since cited, fined and seized mounts of poached animals from dozens of hunting clients who participated in the scheme.

The investigation was conducted by the Montana Department of Fish, Wildlife and Parks.

RANDALL SICARD REIS

On April 14, 2009, RANDALL SICARD REIS, a 68-year-old resident of Moss Beach, California, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$200
- Community Service: 300 hours

REIS was sentenced after having been found guilty during a 2-day trial of two counts of illegal storage of hazardous lead waste.

At trial, the following evidence was presented:

MR3 Systems, Inc. (MR3) and its CEO, REIS, operated a chemical manufacturing facility at Butte from approximately late 1999 until December 7, 2001. During the

operation of this facility, the defendants utilized lead and cadmium toxic hazardous materials as feedstock and produced hazardous wastes including lead toxic filter cake and corrosive liquids.

In January, 2001, MR3 notified the Montana Department of Environmental Quality (DEQ) that it was generating hazardous wastes. Subsequent Montana DEQ inspections of MR3 facilities documented MR3's illegal storage of hazardous wastes. Montana DEQ inspectors repeatedly instructed MR3 on the proper procedures for handling its hazardous waste. For the most part, Montana DEQ's instructions went unheeded throughout the summer and fall of 2001.

For many reasons, MR3 stopped making product and closed its Butte facility on December 7, 2001. Montana DEQ continued monitoring the facility and documented MR3's continued illegal storage of hazardous wastes. In early 2002, Montana DEQ embarked on a series of communications with REIS and other corporate officers in an effort to ensure that MR3 properly disposed of the hazardous wastes illegally stored at its Butte facility. During these discussions, REIS falsely assured Montana DEQ on more than one occasion that MR3 had made arrangements and would soon be properly disposing of the hazardous waste.

On June 5, 2002 the owner of portable storage units rented by MR3 repossessed his storage units. During this repossession activity, the owner of the storage units removed the contents of the storage units and placed the hazardous waste in MR3's parking lot. The storage unit owner's actions in repossessing his storage units unwittingly created an emergent situation requiring the immediate attention of Montana DEQ. Montana DEQ took appropriate steps to secure MR3's facilities and prevent the hazardous wastes illegally stored at the site from further exposure. During this process, Montana DEQ discovered additional hazardous wastes at MR3's Butte facility, including approximately 5,000 gallons of corrosive and cadmium toxic liquid in approximately ten storage vessels.

For the next approximately six months, Montana DEQ strived unsuccessfully to require MR3 and REIS to properly dispose of the hazardous wastes. Ultimately, the landlord of MR3's facility contracted and paid for the proper disposal of MR3's hazardous waste so that he could go about finding another renter for the property.

"Exposure to lead wastes can cause neurological and developmental damage and must be stored properly to protect the public, especially children," said Lori Hanson, Special Agent in Charge of EPA's Criminal Enforcement Office in Denver. "Individuals who refuse to handle hazardous wastes safely and lawfully will be prosecuted."

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Environmental Protection Agency.

FIREARMS

MICHAEL ADAMS

On July 1, 2009, MICHAEL ADAMS was sentenced to a term of:

- Prison: 9 months
- Special Assessment: \$100
- Restitution: \$920
- Supervised Release: 3 years

ADAMS was sentenced in connection with his guilty plea to theft of firearms from a federal firearms licensee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 6, 2008, ADAMS, along with two other individuals (one of which was a juvenile) forcibly broke into the Northside Pawn Shop in Billings. Once inside, ADAMS and the others broke into a glass display case and stole two firearms. Their actions set off a motion alarm and officers with the Billings Police Department responded.

All three suspects were still present when Billings Police officers arrived and all three were apprehended. ADAMS and the other adult confessed to their actions and the firearms were recovered.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BRIAN HAYDEN ALLEN

On August 10, 2009, BRIAN HAYDEN ALLEN, a 36-year-old resident of Havre, was sentenced to a term of:

- Prison: 51 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

ALLEN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On June 11, 2001, ALLEN was convicted of felony theft in Colorado, which thereby prohibited him from possessing any firearms.

At trial, an individual would have testified that on December 11, 2007, she observed a handgun on ALLEN'S bed at his residence in Havre. ALLEN normally carried the Hi-Point .380 caliber pistol in his waistband in the back of his pants. This individual had a Taurus 9mm pistol that ALLEN was interested in purchasing. ALLEN gave his Hi-Point .380 caliber pistol for collateral to the individual while he decided whether or not to purchase the Taurus 9mm pistol.

On February 4, 2008, the individual turned the Hi-Point .380 caliber pistol over to the Havre Police Department. Law enforcement recovered the Taurus 9mm pistol from ALLEN'S residence on February 23, 2008.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Tri-Agency Safe Trails Task Force in Havre and the Federal Bureau of Investigation.

MICHAEL JEFFERY ANDERSON

On June 16, 2009, MICHAEL JEFFERY ANDERSON, age 51, was sentenced to a term of:

- Prison: 37 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 2 years

ANDERSON was sentenced after having been found guilty during a 2-day trial of possession of a machinegun.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Bozeman Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ANDREW SCOTT BENNINGFIELD

On April 3, 2009, ANDREW SCOTT BENNINGFIELD, a 37-year-old resident of Whitefish, was sentenced to a term of:

- Prison: 21 months
- Supervised Release: 3 years

BENNINGFIELD was sentenced in connection with his guilty plea to possession of a firearm without a serial number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 10, 2007, the Whitefish Police Department arrested BENNINGFIELD for disorderly conduct and criminal mischief. At the time, officers located a firearm on BENNINGFIELD'S person.

The firearm was a six-inch long metal pipe with a metal cap attached to one end. It contained a nail-like object, similar to a firing pin that protruded from the metal end cap, and cloth covered the opposite end of the pipe. The cloth was secured by a pair of vice grips and a .30-.30 ammunition round was fastened inside the pipe by a rubber grommet.

A firearms enforcement officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives would have testified that it was in fact a firearm capable of firing an ammunition cartridge. This firearm was not identified by manufacturer or serial number as required by law.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Whitefish Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

CODY BOEHM

On March 4, 2009, CODY BOEHM, a 20-year-old resident of Roundup, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

BOEHM was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 16, 2008, a probation officer conducted a home search at BOEHM'S residence in Roundup. BOEHM had been previously convicted of burglary, and as a result of this conviction was prohibited from possessing firearms.

During the search, the probation officer recovered a Hi-point, model CF, .380 caliber, semi-automatic handgun (P901253) from BOEHM'S residence. BOEHM admitted that he had recently possessed and fired the handgun.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Probation and Parole and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

RIAN ERIK BRITT

On October 15, RIAN ERIK BRITT, a 32-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 3 years

BRITT was sentenced in connection with his guilty plea to possession of a firearm by a user of a controlled substance.

In an Offer of Proof filed by Assistant U.S. Attorney Tara J. Elliott, the government stated it would have proved at trial the following:

On April 14, 2008, BRITT reported that his vehicle had been stolen by a friend (A.W.). The Lincoln County Sheriff's Office responded and located the vehicle which was being driven by A.W. The vehicle was impounded and a search warrant obtained based on information provided by A.W. The officers found 8.5 pounds of marijuana and 1 pound of hashish in the trunk, as well as a pistol in the backseat.

When interviewed while at the Sheriff's Office regarding the return of his vehicle, BRITT admitted to possession of both the pistol and the drugs. He also admitted to being a frequent user of marijuana.

The gun that BRITT possessed was a .40 caliber Smith & Wesson pistol, model 4053.

The investigation was a cooperative effort between the Lincoln County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

SHAWN TRENT BURRESS

On October 15, 2009, SHAWN TRENT BURRESS, a 47-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 114 days - credit for time served

- Special Assessment: \$100
- Fine: \$1,000
- Supervised Release: 3 years

BURRESS was sentenced in connection with his guilty plea to being a felon-in-possession of ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 15, 2008, BURRESS, a convicted felon, was under state supervision, for failure to register as a sex offender and thereby prohibited from possession of any firearms or ammunition when Whitefish Police officers stopped him for traffic violations.

BURRESS was detained pending the investigation and when an officer patted him down, the officer found a .30 caliber round in his pocket. The officer also located four rounds of .30 caliber ammunition in the front cup holder of the vehicle, a box for .30 caliber ammunition in the passenger compartment, and a receipt for the .30 caliber ammunition dated November 15, 2008. The officer later recovered video from the local sporting goods store where BURRESS purchased the ammunition which clearly showed BURRESS purchasing the ammunition and paying for the ammunition with a personal check.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Whitefish Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BRADLEY ROBERT COWAN

On November 18, 2009, BRADLEY ROBERT COWAN, a 30-year-old resident of Billings, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$100
- Supervised Release: 3 years

COWAN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government stated it would have proved at trial the following:

On May 14, 2008, COWAN was sentenced for two counts of felony drug distribution. The court imposed a ten year commitment to the Montana Department of Corrections,

with all time suspended. As a condition of his probation, the court imposed several conditions on COWAN, including that he not possess firearms.

On November 12, 2008, a deputy with the Yellowstone County Sheriff's Office observed COWAN'S vehicle at a local bar. The deputy was aware of COWAN'S felony history and confirmed with a state probation officer that COWAN had a restricted driving privilege and was not to be at bars. The probation officer asked the deputy to arrest COWAN for probation violations. When the deputy returned to the bar, he observed COWAN driving away at a high rate of speed. When the deputy tried to pull him over, a high-speed pursuit followed. COWAN turned down a dead-end road and drove down it at a high rate of speed, resulting in a violent crash. When the deputy arrived at the crash site to help COWAN, he located a firearm in the debris field.

The firearm was identified as a Winchester 61-2 .22 rifle. COWAN later admitted to possession of the rifle.

The investigation was a cooperative effort between the Yellowstone County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JARED THEODORE COX

On November 23, 2009, JARED THEODORE COX, a 21-year-old resident of Helena, was sentenced to a term of:

- Prison: 3 months
- Special Assessment: \$ 25
- Fine: \$ 500
- Supervised Release: 1 year

COX was sentenced in connection with his guilty plea to transfer of a handgun to a juvenile.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

During May 2009, COX purchased a .45 caliber handgun in Helena from a private individual. COX purchased the handgun for a juvenile with money provided by the juvenile, even though COX was aware from working with the individual that he was a juvenile. The juvenile had told COX that he wanted the handgun for home protection.

COX immediately transferred the handgun to the juvenile after purchasing it from the private individual. COX and the juvenile then went target shooting twice, once in May and once on June 1. COX purchased ammunition for the handgun with money from the juvenile both times.

On June 3, 2009, in Helena, the juvenile used the handgun to shoot three other juveniles. One juvenile is deceased, one was very critically wounded, and the third was wounded. The juvenile is being prosecuted by the Lewis and Clark County Attorney's Office for one count of deliberate homicide and two counts of attempted deliberate homicide. There was no evidence showing that COX knew or should have known that the juvenile planned to commit a homicide or attempted homicide with the handgun he purchased for the juvenile in May.

The investigation was a cooperative effort between the Helena Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JOSEPH H. DUST, JR.

On May 28, 2009, JOSEPH H. DUST, JR., age 28, was sentenced to a term of:

- Prison: 30 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

DUST was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2004, DUST was convicted of a felony drug charge. After revocation of his initial sentence, DUST was eventually paroled and put under the supervision of the Montana Department of Corrections.

In May 2008, DUST was being supervised as a parolee through Alternatives, Inc. and allowed to live in a transitional living program in Billings.

On May 11, 2008, Alternatives was informed that DUST had drugs in his residence. Staff members searched DUST'S residence. Inside a safe, a firearm, a digital scale, two baggies of marijuana and \$990 in cash were recovered. The firearm was identified as a Taurus PT 100 AFS. .40 S&W semi-automatic pistol which had been reported as stolen.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Corrections, Alternatives, Inc., Billings Police Department, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JOSHUA WRIGHT ERICKSON

On March 24, 2009, before Senior U.S. District Judge Charles C. Lovell, JOSHUA WRIGHT ERICKSON, a 23-year-old resident of Helena, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

ERICKSON was sentenced in connection with his guilty plea to being in possession of a firearm after having been previously committed to a mental institution.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2003, ERICKSON was involuntarily committed to Warm Springs after the district court found that ERICKSON was “an imminent threat of injury to himself or to others.”

On March 14, 2008, in Helena, two police officers responded to a man with a gun complaint. ERICKSON answered the door with a Sig Sauer .45 caliber pistol in his hand.

When questioned, ERICKSON admitted to possession of the Sig Sauer pistol. He was clear that no round was chambered in the pistol. ERICKSON thought the police were friends playing a trick on him. He also admitted to flashing the gun at the other vehicle that cut off he and his friend. ERICKSON admitted that he is a violent offender and did not want to get into trouble over this incident.

ERICKSON’S friends who were present when the police arrived also confirmed ERICKSON’S possession of the pistol.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

VERNON GAYLE GREY

On October 22, 2009, VERNON GAYLE GREY, a 50-year-old resident of East Helena, was sentenced to a term of:

- Prison: 46 months, concurrent with a state case
- Special Assessment: \$100
- Forfeiture: guns and ammunition
- Supervised Release: 3 years

GREY was sentenced in connection with his guilty plea to being a felon-in-possession of ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

GREY is a convicted felon on state supervision for felony DUI and thereby prohibited from possession of firearms or ammunition.

On May 27, 2008, Montana Probation and Parole officers received a complaint that GREY possessed firearms at his residence. GREY did not appear for an appointment with his probation officer, so officers went to GREY'S residence to investigate the complaint and his no show. The officers, with the assistance of Lewis and Clark County deputies, located over one thousand rounds of ammunition in GREY'S bedroom. The ammunition recovered included 50 rounds of .32 caliber ammunition, 130 rounds of 12 gauge shotgun ammunition, 864 rounds of .22 caliber ammunition, and 1,590 rounds of 9mm ammunition.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Probation and Parole, the Lewis and Clark County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

STEPHEN EUGENE

On May 22, 2009, STEPHEN EUGENE FARRELL, a 55-year-old resident of Helena, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Forfeiture: .45 cal. firearm and ammunition

FARRELL was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 31, 2007, FARRELL was convicted of two felony counts of driving under the influence in the First Judicial District of Montana.

On October 6, 2008, Helena Police Department officers were called to FARRELL'S residence for a disturbance. Upon their arrival, they observed FARRELL sitting in a chair in his apartment. They also heard FARRELL talk with slurred speech and could

smell alcohol coming from the apartment. The officers then requested assistance from a Montana Probation and Parole officer when FARRELL refused to come to the door. The probation officer requested a breath test from FARRELL which confirmed he had been drinking and had a blood alcohol content of .268. The probation officer then ordered a search of FARRELL'S residence after detention officers located an ammunition magazine on his person during the booking process.

During a search of FARRELL'S residence, an officer asked a female present in the residence about any firearms. She advised that there was a pistol in the bedroom safe and stated that the firearm belonged to FARRELL. The officer then recovered a .45 caliber pistol after the female opened the safe. The officer also recovered various ammunition from FARRELL'S bedroom.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JASON LEE FISHER

On April 29, 2009, JASON LEE FISHER, a 41-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 2 years

FISHER was sentenced in connection with his guilty plea to possession of a firearm by an individual previously convicted of a misdemeanor crime of domestic violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 5, 2005, FISHER was convicted of a partner family member assault in Rosebud County.

On January 15, 2007, the FISHER'S ex-wife reported that a firearm was missing from her home. She further reported that FISHER was not allowed to possess firearms due to a domestic violence conviction. She had been out of town on business and FISHER had stayed at her house during her absence to care for their children. When she returned home and noticed the firearm, a Ruger Model M77 II, .26-06 caliber rifle, missing, she asked her daughter where the firearm was and was told that FISHER had taken it.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Bureau of Indian Affairs.

JUSTIN MATTHEW FLETCHER

On February 5, 2009, JUSTIN MATTHEW FLETCHER, a 20-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 150 months
- Special Assessment: \$200
- Restitution: \$13,674
- Supervised Release: 3 years

FLETCHER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 2, 2007, FLETCHER had been convicted of felony criminal endangerment and was thereby prohibited from possessing firearms.

Between November 1, 2007, and November 3, 2007, there were a string of vehicle break-ins in Great Falls and items of personal property were stolen from the vehicles as well as from a garage. Several firearms and several hundred rounds of ammunition were also reported as missing. An investigation revealed that FLETCHER and Ricky Darnell Cole were the parties responsible for the break-ins.

On November 4, 2007, FLETCHER was arrested on a probation violation and deputies found several guns at his residence. When questioned, FLETCHER admitted his involvement in the vehicle break-ins. FLETCHER also admitted he took several firearms, as well as numerous other items of personal property, and hid them at his residence.

FLETCHER denied any involvement beyond being the "driver" and said it was Cole and two juvenile females who took the majority of the property. Cole and the two juvenile females all stated that FLETCHER was the ringleader and was very involved in the break-ins and thefts.

FLETCHER'S mother called the police and reported her son had hidden stolen property, including several rifles, in her father's home where the family lived and she wanted them to come and remove them.

During a search of FLETCHER'S residence and a camper in the yard, officers recovered property reported stolen during the break-ins, including the firearms and ammunition.

The two juvenile females were interviewed and admitted their involvement in the thefts. They said FLETCHER had used them to enter the vehicles and hand out items of stolen property, including several guns. They stated that the group also used stolen cars to transport the stolen property during the thefts and caused damage to at least one of the stolen cars when it struck a garbage dumpster. The group also caused damage to almost all of the cars they broke into by breaking the windows to gain entry. The two females said Cole was only involved in the theft of a Ruger rifle and FLETCHER was responsible for the remainder of the firearm thefts, as well as the majority of the other thefts.

When questioned, Cole admitted to handling a rifle that was stolen from one of the vehicles and admitted that he knew he could not possess it because of a prior conviction. Cole also said FLETCHER was present when the rifle was taken.

Cole pled guilty to federal charges and has been sentenced.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the U.S. Immigration and Customs Enforcement.

AUSTIN BROOKS HEALY

On March 31, 2009, AUSTIN BROOKS HEALY, a 46-year-old resident of Lodgepole, was sentenced to a term of:

- Prison: 71 months
- Special Assessment: \$100
- Supervised Release: 3 years

HEALY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 25, 1997, HEALY was sentenced to 21 months imprisonment for assault resulting in serious bodily injury.

On the afternoon of May 9, 2008, Fort Belknap tribal law enforcement officers

responded to a call concerning a possible aggravated assault by HEALY in the Beaver Creek area. According to witnesses, HEALY had shot a .270 caliber rifle in the vicinity of their residence. The witnesses also told law enforcement that HEALY had shot and killed two dogs. One witness described the rifle as camouflaged green. Officers found spent .270 caliber shell casings and one live round lying on the ground some distance from the residence of these witnesses.

Officers located HEALY at his residence. During a search of the residence, an officer observed that two pieces of sheet rock were partially covering a 3x3 foot opening in a basement wall. When the officer moved the sheet rock, he found a .270 caliber rifle with green camouflage tape wrapped around it.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Fort Belknap Tribal Law Enforcement.

VERNON GAYLE GREY

On October 22, 2009, VERNON GAYLE GREY, a 50-year-old resident of East Helena, was sentenced to a term of:

- Prison: 46 months, concurrent with a state case
- Special Assessment: \$100
- Forfeiture: guns and ammunition
- Supervised Release: 3 years

GREY was sentenced in connection with his guilty plea to being a felon-in-possession of ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

GREY is a convicted felon on state supervision for felony DUI and thereby prohibited from possession of firearms or ammunition.

On May 27, 2008, Montana Probation and Parole officers received a complaint that GREY possessed firearms at his residence. GREY did not appear for an appointment with his probation officer, so officers went to GREY'S residence to investigate the complaint and his no show. The officers, with the assistance of Lewis and Clark County deputies, located over one thousand rounds of ammunition in GREY'S bedroom. The ammunition recovered included 50 rounds of .32 caliber ammunition, 130 rounds of 12 gauge shotgun ammunition, 864 rounds of .22 caliber ammunition, and 1,590 rounds of 9mm ammunition.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Probation and Parole, the Lewis and Clark County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BRETT HAHN

On June 12, 2009, BRETT HAHN, a 31-year-old resident of Florence, was re-sentenced to a term of:

- Prison: 46 months, consecutive to another sentence
- Supervised Release: 30 months

HAHN was re-sentenced in connection with his guilty plea to being a felon-in-possession of a firearm after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Assistant U.S. Attorney Kris A. McLean prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Ravalli County Sheriff's Office.

LANCE MICHAEL HARTLEY

On May 22, 2009, LANCE MICHAEL HARTLEY, a 62-year-old resident of Missoula, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100

HARTLEY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 7, 1973, HARTLEY was convicted of assault and selling dangerous drugs in the State of New York.

On July 9, 2007, HARTLEY purchased a handgun from an associate who previously had burglarized his home in Missoula. The handgun was a Smith & Wesson .357 caliber revolver. HARTLEY learned the next day that the handgun was stolen in a burglary before he purchased it. HARTLEY turned the handgun into local law

enforcement.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula Police Department, Bureau of Alcohol, Tobacco, Firearms and Explosives, Missoula County Sheriff's Office.

JEREMIAH HARRIS

On October 8, 2009, JEREMIAH HARRIS, age 25, was sentenced to a term of:

- Prison: 9 months
- Special Assessment: \$200
- Supervised Release: 3 years

HARRIS was sentenced in connection with his guilty plea to possession of a stolen firearm and possession of a firearm with an obliterated serial number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 21, 2007, at approximately 1:30 a.m., a Billings Police officer observed a vehicle parked in the lot of a closed Billings park. The driver of the vehicle identified himself to the officer as JEREMIAH HARRIS. When the officer asked HARRIS to exit the truck, the officer observed what appeared to be a white powder in plain view on the floorboard of the truck and also saw a plastic baggie with a white powder residue in it, laying on the ground near the truck. The officer then saw a piece of plastic on the ground where HARRIS had just been standing. Suspecting the powder was either methamphetamine or cocaine, the officer called for a canine. During a search of the vehicle, a Glock Model 31 .357 SIG semi-automatic pistol with an obliterated serial number was recovered.

The Montana State Crime was able to restore the serial number. With this information, law enforcement was able to determine the firearm had been stolen. When officers contacted the owner of the firearm, the owner identified HARRIS as the likely suspect in its theft.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, the Yellowstone County Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

RODNEY HILL

On March 5, 2009, RODNEY HILL, a 24-year-old resident of Billings, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$200
- Supervised Release: 3 years

HILL was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

HILL is a convicted felon, with multiple convictions in California, thereby prohibiting him from possessing firearms.

On March 24, 2007, a Billings Police Department officer conducted a traffic stop in Billings. The driver was identified as HILL. The officer observed a pistol case on the backseat of the car and asked HILL if there was a firearm in the vehicle. HILL stated that there was a gun in the center console and he gave his consent for the officer to search the vehicle.

The officer recovered a Hi Point Model CF .380 pistol from the center console. It was loaded with five rounds of ammunition. HILL advised that the gun belonged to a friend and he was returning the gun to him. HILL further stated he was originally from North Richmond, California, and had a history of gang activity. HILL said he had a "crew" from Richmond, California, coming that summer to Billings to take care of the "Louisiana gang members," as he termed it.

HILL told another officer at the scene, that the arresting officer had prevented "something bad from happening" when he took the firearm away from him.

As to Count II, the government would have proved the following:

On May 16, 2007, Billings Police Department officers responded to a report of a black male brandishing a handgun. Upon arriving in the area of 2nd Avenue North and South 29th, an officer observed a male matching the suspect's description walking eastbound on 2nd Avenue South. When HILL observed the officers, he began to reach for a weapon in his waistband. The officers observed HILL throw the gun into a yard. HILL was profane and intoxicated.

HILL'S handgun and ammunition were recovered. The gun was identified as a Davis Industries Model P380 .380 pistol.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

CODY JAMES INGRAHAM

On September 16, 2009, CODY JAMES INGRAHAM was sentenced to a term of:

- Prison: 28 months
- Special Assessment: \$100
- Supervised Release: 3 years

INGRAHAM was sentenced in connection with his guilty plea to being a felon-in-possession of stolen firearms.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

Between October 27, 2008, and November 3, 2008, David Lloyd possessed two stolen firearms. The firearms were a Ruger .45 caliber revolver and a Mossberg 12 gauge shotgun. Lloyd also possessed a third firearm in this time frame, a Hi-Point .45 caliber pistol.

The Ruger revolver and Mossberg shotgun were stolen in a Deer Lodge residential burglary on October 27, 2008. The owner reported the burglary very early on the 28th when he arrived home from work and was able to provide complete information regarding the firearms.

Numerous Deer Lodge residents provided law enforcement information regarding INGRAHAM'S possession of the two stolen firearms and Lloyd's possession of the three firearms.

Law enforcement learned that INGRAHAM possessed the two stolen firearms, the Ruger revolver and Mossberg shotgun, on October 27, 2008, at a Deer Lodge residence. INGRAHAM attempted to enter the residence with the firearms but was told to take them outside by the resident. The resident heard INGRAHAM trying to sell the guns while INGRAHAM was on the phone.

Within a day or so, Lloyd had the three firearms for sale. Lloyd returned the Mossberg shotgun to the rightful owner. Lloyd then sold the two handguns to another Deer Lodge resident through that resident's daughter. The daughter gave him the guns, he gave the money to his daughter, and his daughter gave the money to Lloyd.

During the course of their investigation, law enforcement learned that INGRAHAM likely

committed the burglary where the Ruger revolver and the Mossberg shotgun were taken.

Lloyd pled guilty to federal charges and has been sentenced.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

RODNEY ALLEN KNOBLE

On May 14, 2009, RODNEY ALLEN KNOBLE, a 23-year-old resident of Missoula, was sentenced to a term of:

- Prison: 24 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 3 years

KNOBLE was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 5, 2008 Central Montana Drug Task Force agents were contacted by a cooperating subject (CS) who told them KNOBLE was planning on coming to Great Falls to purchase a 2003 Mustang.

KNOBLE had told the CS he would give the CS a handgun and a small amount of marijuana as down payment for the car. The CS knew KNOBLE lived in Missoula and was on probation for burglary and was concerned about KNOBLE'S possession of a gun.

KNOBLE made a series of calls to the CS and during one of these calls said he was on his way from Missoula and bringing his girlfriend. KNOBLE stated that they had a pistol and marijuana with them. He told the CS he had gotten the gun, a 9 millimeter Smith and Wesson, from a friend who found it in a dumpster at work.

KNOBLE told the CS he knew he wasn't supposed to have a gun so his girlfriend had the only key to the storage box with the gun inside. That way he could claim he had no idea what was inside the storage box in the event of a search.

Through the CS, an agent made arrangements to meet KNOBLE and purchase the firearm. A short time later, agents observed KNOBLE driving a vehicle matching the description of KNOBLE'S girlfriend vehicle enter the parking lot where the transaction was to take place. KNOBLE was then taken into custody on an outstanding probation

warrant.

A Smith and Wesson 9 millimeter model 439 pistol was recovered during a search of the vehicle.

KNOBLE'S criminal history confirmed he had two felony burglary convictions in Montana and one felony forgery conviction in Wisconsin.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force, the U.S. Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

SHEILA L. LABO

On October 14, 2009, SHEILA L. LABO, a 41-year-old resident of Billings, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

LABO was sentenced in connection with her guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government stated it would have proved at trial the following:

In 2003 in Wisconsin, LABO was convicted of storing ammonia in an illegal container and thereby prohibited from possessing firearms.

In December of 2008, in Billings, a man reported the theft of two guns from his truck. They were identified as a Taurus "Raging Bull 500," .50 caliber revolver and a muzzleloader rifle.

The victim reported that LABO, his ex-girlfriend, was the only person who had access to the combination keypad for his truck. He immediately identified her as the likely suspect because the theft was done without damage to the truck.

A Billings Police detective conducted a search of pawn transactions and learned that LABO pawned the guns at two different pawn shops. She pawned the Taurus revolver on December 15, 2008.

When interviewed by an Bureau of Alcohol, Tobacco, Firearms and Explosives agent,

LABO admitted taking the guns.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JOHNNY D. LAMBERT

On December 10, 2009, JOHNNY D. LAMBERT, age 26, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$300
- Supervised Release: 3 years

LAMBERT was sentenced in connection with his guilty plea to possession of stolen firearms.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government stated it would have proved at trial the following:

As of July 7, 2008, LAMBERT was under indictment for felony theft in Yellowstone County. While under charges, he entered Western Pawnbrokers in Billings on multiple occasions and stole firearms.

On July 15, 2008, an employee called the Billings Police Department and reported the theft of two shotguns. The clerk identified LAMBERT from a photo-lineup as the suspect. A detective checked pawn transaction records for the serial numbers from the stolen guns. He discovered that LAMBERT pawned three stolen firearms at another pawn shop, between July 11th and July 15th.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BRANDON LAWRENCE

On December 29, 2009, BRANDON LAWRENCE, a 22-year-old resident of Billings, was sentenced to a term of:

- Prison: 65 months
- Special Assessment: \$100
- Supervised Release: 3 years

LAWRENCE was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government

stated it would have proved at trial the following:

An investigation by the Billings Police Department revealed that shortly before 2:00 a.m. on March 8, 2009, LAWRENCE pulled a handgun and fired a single shot at a male individual during a fight outside a bar in Billings. Numerous witnesses observed the incident and identified LAWRENCE as the shooter when police arrived.

While placing LAWRENCE under arrest, officers recovered a Glock model 22 .40 caliber pistol in his waistband.

When questioned, LAWRENCE stated he had bought the gun on the street two to three months before. He said he fired the shot at an unknown black male who punched him in the fight. The firearm had been reported stolen on March 2, 2009.

LAWRENCE had previously been convicted of felony robbery in the State of California and was therefore prohibited from possessing firearms.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

DAVID MICHAEL LLOYD

On September 16, 2009, DAVID MICHAEL LLOYD, a 23-year-old resident of Deer Lodge, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

LLOYD was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 23, 2007, LLOYD was convicted of felony attempted larceny from a person in North Carolina.

Between October 27, 2008, and November 3, 2008, LLOYD possessed two stolen firearms. The firearms were a Ruger .45 caliber revolver and a Mossberg 12 gauge shotgun. LLOYD also possessed a third firearm in this same time frame, a Hi-Point .45 caliber pistol.

The Ruger revolver and Mossberg shotgun were stolen in a Deer Lodge residential burglary on October 27, 2008. The owner reported the burglary very early on the 28th

when he arrived home from work and was able to provide complete information regarding the firearms.

Numerous Deer Lodge residents provided law enforcement information regarding another individual's possession of the two stolen firearms and LLOYD'S possession of the three firearms.

Law enforcement learned that this individual possessed the two stolen firearms, the Ruger revolver and Mossberg shotgun, on October 27, 2008, at a Deer Lodge residence. The individual had attempted to enter the residence with the firearms but was told by the homeowner to take them outside. The resident also heard the individual trying to sell the guns while on the phone.

Within a day or so, LLOYD had the three firearms for sale. LLOYD returned the Mossberg shotgun to the rightful owner. LLOYD then sold the two handguns to another Deer Lodge resident through that resident's daughter. The daughter gave him the guns, he gave the money to his daughter, and his daughter gave the money to LLOYD.

During the course of their investigation, law enforcement learned that the other individual had likely committed the burglary where the Ruger revolver and the Mossberg shotgun were taken.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

TAKEEM LUMPKIN

On October 7, TAKEEM LUMPKIN was sentenced to a term of:

- Community Confinement: 6 months
- Special Assessment: \$100
- Restitution: \$920
- Probation: 3 years

LUMPKIN was sentenced in connection with his guilty plea to theft of firearms from a federal firearms licensee.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government stated it would have proved at trial the following:

On November 6, 2008, LUMPKIN, along with Michael Adams and a juvenile, forcibly broke into the Northside Pawn Shop in Billings. Once inside, LUMPKIN and the others broke into a glass display case and stole two firearms. Their actions set off a motion

alarm and officers with the Billings Police Department responded.

All three suspects were still present when the officers arrived and all three were apprehended. LUMPKIN and Adams both gave statements about their actions and the firearms were recovered. LUMPKIN told the officers where he discarded one of the stolen guns.

Adams pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

WILLIAM LANCE McCUDDY

On January 15, 2009, WILLIAM LANCE McCUDDY, a 31-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Restitution: \$568.33
- Supervised Release: 3 years

McCUDDY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2001, McCUDDY was convicted of felony sex with a minor in California. As a result of this conviction, McCUDDY is prohibited from possessing firearms.

On January 21, 2008, deputies with the Cascade County Sheriff's Office responded to the Black Eagle Community Center to investigate a burglar alarm. They found a broken window and discovered someone had entered the Community Center and taken a rifle that was prominently displayed and was the prize in a fund-raising raffle. Officers discovered blood and it appeared that the burglar had injured himself on entry. Officers also found a piece of a broken jack handle that appeared to have been used to break the window.

An female individual called police dispatch and stated that a man named McCUDDY had been at her home and gotten in a fight with a male individual about a stolen rifle. The caller and the male individual said McCUDDY took them to his apartment and showed them the stolen rifle. It was later learned that McCUDDY lives at the apartment with his girlfriend.

McCUDDY and his girlfriend were found a short time later and because McCUDDY'S girlfriend was on probation, a probation search of her apartment was conducted. During the probation search, officers found the missing rifle. McCUDDY was questioned and admitted he broke the window of the Community Center with a jack handle, cut himself and then stole the rifle. McCUDDY said a portion of the jack handle broke off and he left it at the scene. A piece of jack handle matching the piece at the scene was also found in the apartment.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Cascade County Sheriff's Office, the U.S. Immigration and Customs Enforcement and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

**JOSHUA ALLEN McKNIGHT and PHILLIP JOHN SMITH
(McKNIGHT & SMITH)**

On March 12, 2009, JOSHUA ALLEN McKNIGHT and PHILLIP JOHN SMITH appeared for sentencing.

McKNIGHT was sentenced to a term of:

- Prison: 98 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

SMITH was sentenced to a term of:

- Prison: 120 months, concurrent with another sentence
- Special Assessment: \$200
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 11, 2007, after receiving a description of a vehicle involved in a burglary, Butte-Silver Bow Law Enforcement Agency (BSBLEA) officers stopped a vehicle occupied by SMITH and the owner of the vehicle, McKNIGHT. Both were arrested on probation violations.

When questioned, McKNIGHT stated he had been directed by a person to burglarize a residence in Helena and steal the victim's firearms - the person had provided

McKNIGHT with directions to the house. McKNIGHT and SMITH then committed the burglary. SMITH entered the house and let in McKNIGHT. McKNIGHT loaded the handguns into a tan duffle bag and SMITH took a .308 rifle and other items. They were on their way to meet the person when stopped by the BSBLEA.

The officers observed in plain view a loaded 10 mm pistol between the driver's seat and the gear shift. The officers conducted a search of the vehicle. They located four boxes of ammunition in the passenger compartment of the vehicle. They also located a tan bag full of handguns, a .308 rifle, and a written list of firearms with dollar amounts next to each firearm in the hatchback. They recovered a total of 19 firearms.

On June 15, 2007, when interviewed, McKNIGHT admitted to committing the burglary with SMITH and putting the handguns and magazines in the tan duffle bag. SMITH then took the rifle and other items. McKNIGHT further admitted the list of firearms and prices was made in his Butte apartment because SMITH did not know McKNIGHT had to turn them over to the people who ordered the burglary. McKNIGHT stated he purchased a total of four boxes of ammunition for the firearms in case things went badly. McKNIGHT further stated they were stopped and arrested after they exited in Rocker, where they were supposed to take the guns.

A fingerprint examiner would have testified that SMITH'S fingerprints were found on the firearms.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Butte-Silver Bow Law Enforcement Agency.

RODNEY ROYCE MILLER

On January 12, 2009, before U.S. District Judge Sam E. Haddon, RODNEY ROYCE MILLER was sentenced to a term of:

- Prison: 35 months
- Special Assessment: \$100
- Supervised Release: 3 years

MILLER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 1996, MILLER was convicted of felony sexual assault in Flathead County and his sentence for this offense had been revoked in 1999 and again in 2005. As a result of this conviction, MILLER was prohibited from possessing firearms.

On July 10, 2008, MILLER'S probation officer received information that he might be in possession of a firearm. During a probation search of MILLER'S home in Great Falls, a .22 caliber pistol identified as an Iver Johnson Arms and Cycle Works (I.J.A. & C. Wks) model I.J. Target Sealed 8, .22 caliber revolver was found hidden in the crawl space of the residence.

When questioned, MILLER admitted the gun was his and also admitted that he knew he was not supposed to possess firearms. He stated that he got it from "John" who lives in Sun Prairie in payment for some work done on a car.

Special Assistant U.S. Attorney Kory Larsen prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Probation and Parole and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

RUSSELL MODDISON

On April 1, 2009, RUSSELL MODDISON was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

MODDISON was sentenced after having been found guilty during a 1-day trial of being a felon-in-possession of a firearm.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Marshals Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Billings Police Department and the Yellowstone County Sheriff's Office.

JOSHUA A. MORGAN

On January 22, 2009, JOSHUA A. MORGAN, a 24-year-old resident of Billings, was sentenced to a term of:

- Prison: 28 months
- Special Assessment: \$100
- Supervised Release: 3 years

MORGAN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

MORGAN has had at least four felony convictions in the State of Virginia, thereby prohibiting him from possession of firearms.

On May 3, 2008, Billings Police Department officers responded to Rimrock Mall for a report of a male pointing a handgun at people and making threats. Officers contacted Rimrock Mall security guards who stated that several customers made complaints of a male in his twenties in a black Chevrolet Beretta pointing a gun at them and threatening to kill them. These complaints were made on May 2nd and May 3rd. Suspect information led to MORGAN, based upon cell phone information and a vehicle description.

Officers went to MORGAN'S known residence, but MORGAN was not home. A neighbor confirmed that MORGAN lived there and drove a black Chevy Beretta.

On May 4, 2008, officers located a black Chevy Beretta in the K-Mart parking lot. Three males were standing near three parked vehicles, including MORGAN. MORGAN lied about his identity and produced a fictitious ID card. An officer observed a handgun on the driver's side floorboard of the Beretta in plain view. When the officer attempted to handcuff MORGAN, he broke away and fled on foot. MORGAN was not apprehended at that time.

An officer recovered the gun from the vehicle. The gun was a Hi Point JHP 45, .45 caliber semi-automatic pistol. A search warrant was obtained and the Beretta was searched. A magazine loaded with ammunition was found in the car.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

NICHOLAS JAMES MOSKALOFF

On January 29, 2009, NICHOLAS JAMES MOSKALOFF, a 29-year-old resident of Hungry Horse, was sentenced to a term of:

- Home Arrest: 12 months
- Probation: 5 years
- Special Assessment: \$100

MOSKALOFF was sentenced in connection with his guilty plea to possession of a firearm by a user/addict of a controlled substance.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On February 26, 2006, members of Flathead County's Alcohol Enforcement Team conducted checks of known places where young adults had been arrested previously for drug and alcohol consumption. While doing these checks, the officers observed a vehicle parked in a shooting range posted for "Daylight Use Only." As officers approached the vehicle they saw that the driver, MOSKALOFF, had a gun. MOSKALOFF leaned out the driver's side window, screamed, and fired a shot down range. The officers yelled at MOSKALOFF to drop his gun and he dropped it inside the vehicle. MOSKALOFF then exited the vehicle and was taken into custody without incident.

MOSKALOFF apologized to the officers and stated that the shooting was an accident and that he did not know anyone was in the area. When searched, officers seized a marijuana pipe from his front pants pocket. He stated that a marijuana "bud" was in the ashtray of the vehicle. He also stated that he had gone to the shooting range that night to "smoke a bowl and do some shooting." The gun MOSKALOFF possessed was a .22 caliber H&R pistol, model 923.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Flathead County Sheriff's Office.

CHARLES DOUGLAS MYERS

On September 16, 2009, CHARLES DOUGLAS MYERS, a 24-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 21 months, consecutive to another sentence
- Special Assessment: \$100
- Forfeiture: firearm
- Supervised Release: 3 years

MYERS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 18, 2004, MYERS was convicted of felony theft in Gallatin County and therefore prohibited from possessing firearms.

On August 13, 2008, a Missouri River Drug Task Force officer in Bozeman arrested MYERS for being a felon-in-possession of a firearm after receiving a complaint that

MYERS had approached and offered to sell drugs to an individual. The individual would have testified that he saw the purported drugs and a pistol on MYERS' motorcycle.

During a search of MYERS and his motorcycle, drugs and a firearm were recovered from the storage compartment of the motorcycle along with MYERS' personal mail. The firearm was located in a black nylon holster inside a luggage case attached to MYERS' motorcycle. MYERS possessed the key to the luggage case on his motorcycle key chain.

The firearm was a Heritage 9mm semiautomatic pistol which was loaded with 9 rounds of ammunition.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Missouri River Drug Task Force and the Montana Department of Corrections Probation and Parole.

WILLIAM DALE NEWHOFF JR.

On March 27, 2009, WILLIAM DALE NEWHOFF JR., a 26-year-old resident of Missoula, was sentenced to a term of:

- Prison: 78 months, consecutive to state sentences
- Special Assessment: \$200
- Community Service: 100 hours
- Supervised Release: 3 years

NEWHOFF was sentenced after having been found guilty during a 3-day trial of being a felon-in-possession of a firearm and being in possession of a stolen firearm.

U.S. Attorney Mercer stated, "When we launched Project Safe Neighborhood in 2002 to combat violent crime through the vigorous enforcement of the federal firearms laws, our vision was to protect Montana communities from defendants like Bill Newhoff. As noted in court, his criminal record started as a young juvenile and has continued unabated. This case, premised upon his possession of a firearm obtained in a burglary although he was prohibited from possessing a firearm as a result of his felony record, is just one of his latest offenses. With the help of local law enforcement partners like the Missoula County Sheriff's Office in this case, the Bureau of Alcohol, Tobacco, Firearms and Explosives and the U.S. Attorney's Office will continue to be vigilant in ensuring that repeat offenders who are a persistent threat to their communities will be prosecuted and sentenced in a way to enhance public safety."

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JESSE ALLEN PEARSON

On March 27, 2009, JESSE ALLEN PEARSON, a 35-year-old resident of Helena, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

PEARSON was sentenced in connection with his guilty plea to being the subject of an information in receipt of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 7, 2000, felony forgery charges were filed against PEARSON in Wyoming. PEARSON left Wyoming, at least in part, due to the pending criminal charges against him.

On January 6, 2005, law enforcement recovered a High-Point 9mm pistol with the serial number altered and obliterated from PEARSON'S bedroom in his Helena residence.

PEARSON later told law enforcement that he received the pistol from an associate. The associate had purchased the pistol on October 15, 2004, from a Helena firearms dealer. PEARSON and his associate planned to sell the pistol to make some money. PEARSON also told law enforcement that he possessed the file that removed the serial number from the pistol but did not admit to filing off the serial number.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

LONNIE R. PECK

On July 22, 2009, LONNIE R. PECK, a 41-year-old resident of Columbus, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$300
- Restitution: to be determined within 60 days
- Supervised Release: 3 years

PECK was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 29, 2008, a Billings Police Department detective reported that a cabin belonging to a relative had been burglarized. This report was made to the Stillwater County Sheriffs Office. Listed among the items stolen were five firearms.

As the investigation proceeded, PECK was identified as a likely suspect. Because the investigation stalled, the Stillwater County Sheriff's Office decided to run an ad in the local newspaper asking anyone if they had purchased items from PECK. The ad netted several responses.

One response was from an individual who told deputies that he bought three firearms from PECK, probably in January of 2008. The three firearms were identified as two Marlin Model 60 .22 rifles and a Sears Model 25 .22 rifle. The individual stated he had traded one of the Marlin rifles to a man who has since moved to Oregon; his dad pawned the Sears rifle at a pawn shop; and he gave the other Marlin rifle to the Stillwater County Sheriff's Office. Through a pawn transaction tracking program, law enforcement learned PECK had pawned the other two stolen firearms on January 16, 2008.

On January 30, 2008, PECK attempted to reclaim the stolen Marlin .30-30 rifle from the pawn shop. On the ATF 4473 form, he falsely stated that he was not a convicted felon, while in fact, he has had multiple felony convictions in Texas.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Stillwater County Sheriff's Office, the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Billings Police Department.

JESSE COSTA PEREZ

On August 21, 2009, JESSE COSTA PEREZ, a 44-year-old resident of Hardin, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Supervised Release: 3 years

PEREZ was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government stated it would have proved at trial the following:

PEREZ is a convicted Montana felon, presently on probation and supervised by the Montana Department of Corrections. This conviction prohibits him from possession of firearms.

On January 20, 2009, PEREZ pawned a Ruger Single Six .22 caliber revolver at First National Pawn in Billings.

On January 29, 2009, PEREZ returned to the pawn shop and attempted to reacquire the firearm. At this time, he filled out the required Firearms Transaction Record Form. PEREZ falsely answered "NO" where he was asked if he had ever been convicted of a felony. The NICS background check first delayed then denied the transaction. The probation office became aware of the incident and a referral was made to the Bureau of Alcohol, Tobacco, Firearms and Explosives. Personnel at the store identified PEREZ as the person who made the false statement on the form.

The investigation was a cooperative effort between the Montana Probation and Parole Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BRIAN DANIEL RENDON

On January 15, 2009, BRIAN DANIEL RENDON was sentenced to a term of:

- Prison: 30 months, consecutive to another sentence
- Special Assessment: \$100
- Forfeiture: firearms
- Supervised Release: 3 years

RENDON was sentenced in connection with his guilty plea to possession of a firearm by an unlawful drug user.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 25, 2007, in Kalispell, RENDON and another individual, both convicted felons and fugitives from justice from Oregon, and persistent drug users, were found to be in possession of three rifles. Officers from the Flathead County Sheriffs Office and the Montana Highway Patrol had responded to a domestic call where shots were fired. Shots continued to be fired as law enforcement approached the area.

One witness would have testified that she called 911 and told dispatch that both RENDON and the other individual were tearing up her trailer house and that one or both were wanted for murder in Oregon. She also stated that she knew RENDON was

wanted in Oregon for parole violations. She further advised that both were armed and may shoot it out with law enforcement. She also stated that RENDON kept a .22 rifle in their trailer house and that the other individual kept his guns in the main house on the property and that he had just purchased a rifle with (armor piercing) ammunition.

She and a friend had left the trailer house to call the police and they heard gunshots coming from the trailer house area while talking to the law enforcement.

Flathead County Sheriff's deputies also heard gunshots coming from the trailer house area. They observed a .22 rifle in the trailer house when clearing it. They saw multiple .22 and .223 casings in the trailer house as well as holes in the window of the trailer house.

Upon his arrest, RENDON was interviewed and stated that the other individual had been playing with a Mini-14 and shot holes in the window of the trailer house and that the other individual had fired the .223 in anger when the law enforcement vehicles were present. He further stated that they both went outside the trailer house with their firearms and that the other individual took the Ruger .22 rifle from RENDON and placed it on the ground. He also stated that the other individual took the Mini-14 .223 into the brush to the north of the residence and did not have the .223 when he returned.

A Montana probation and parole officer took urine analysis tests from RENDON and the other individual. Both tested positive for marijuana. RENDON admitted to smoking marijuana the previous night. RENDON'S supervision has been revoked numerous times for using drugs and he is on lifetime supervision for a murder conviction.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was a cooperative effort between the Flathead County Sheriff's Office, the Montana Highway Patrol and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

DUSTYN W. ROTHGEB

On September 30, 2009, DUSTYN W. ROTHGEB, a 29-year-old resident of Roberts, appeared for sentencing. ROTHGEB was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

ROTHGEB was sentenced in connection with his guilty plea to possession of a firearm not registered in the National Firearms Registration and Transfer Record.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government

stated it would have proved at trial the following:

On May 27, 2008, the Carbon County Sheriff's Office and the Red Lodge Police Department received a report of a man walking around the town of Roberts and threatening people with a shotgun. Dispatch told responding officers the problem started at a bar, but had moved to a residence. Law enforcement arrived at the residence and located ROTHGEB, two other males, and a female outside. All were intoxicated. A deputy secured ROTHGEB in handcuffs as he matched the description of the male with the shotgun.

Another deputy went to the bar and spoke with a witness. The witness advised that a female at the bar started a fight and was told to leave. The witness said ROTHGEB then joined in the fight and attacked him. The witness said he calmed ROTHGEB down and drove ROTHGEB back to ROTHGEB'S residence. The witness said ROTHGEB then ran into the residence and came back outside with a short pistol-gripped shotgun. The witness said when he saw the shotgun, he left in fear. He said he heard ROTHGEB making comments about wanting to kill someone.

Another witness at the scene said ROTHGEB was trying to return to the bar with the shotgun. The witness said ROTHGEB was making comments about "taking care of business." This witness told an officer that it took several people to restrain ROTHGEB from going back to the bar with the gun. The witness said once they talked him out of going back with the gun, ROTHGEB threw the gun away on the ground. The witness showed the officer where the shotgun was discarded and the officers recovered a Remington 870 Express 20 gauge shotgun, with a sawed-off barrel of about 16½ inches and a modified pistol grip.

An agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives conducted a search of the National Firearms Registration and Transfer Record and did not locate any registration for this firearm nor any weapons registered to ROTHGEB.

The investigation was a cooperative effort between the Red Lodge Police Department, the Carbon County Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms and Explosives

DONALD JOSEPH SCHWINDT

On January 30, 2009, DONALD JOSEPH SCHWINDT, a resident of Kalispell, was sentenced to a term of:

- Prison: 105 months
- Special Assessment: \$100
- Supervised Release: 3 years

SCHWINDT was sentenced in connection with his guilty plea to being a felon-in-

possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 25, 2007, in Kalispell, SCHWINDT and Brian Daniel Rendon, both convicted felons and fugitives from justice from Oregon, and persistent drug users, were found to be in possession of three rifles. Officers from the Flathead County Sheriff's Office and the Montana Highway Patrol had responded to a domestic call where shots were fired. Shots continued to be fired as law enforcement approached the area.

One witness would have testified that she called 911 and told dispatch that both Rendon and SCHWINDT were tearing up her trailer house and that one or both were wanted for murder in Oregon. She also stated that she knew Rendon was wanted in Oregon for parole violations. She further advised that both were armed and may shoot it out with law enforcement. She also stated that Rendon kept a .22 rifle in their trailer house and that SCHWINDT kept his guns in the main house on the property and that SCHWINDT had just purchased a rifle with (armor piercing) ammunition.

She stated that she and a friend had left the trailer house to call the police and they heard gunshots coming from the trailer house area while talking to the law enforcement.

Flathead County Sheriff's deputies also heard gunshots coming from the trailer house area. They observed a .22 rifle and multiple .22 and .223 casings in the trailer house as well as holes in the window of the trailer house.

Upon his arrest, Rendon was interviewed and stated SCHWINDT had been playing with a Mini-14 and shot holes in the window of the trailer house and that SCHWINDT had also fired the .223 in anger when the law enforcement vehicles were present. Rendon further stated that they both went outside the trailer house with their firearms and that SCHWINDT took the Ruger .22 rifle from him and placed it on the ground. Rendon also stated that SCHWINDT took the Mini-14 .223 into the brush to the north of the residence and did not have the .223 when he returned.

A Montana probation and parole officer took urine analysis tests from Rendon and SCHWINDT. Both tested positive for marijuana.

Rendon pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Paulette A. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Flathead County Sheriff's Office, the Montana Highway Patrol and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

TRAVIS WILLIAM SHAFFER

On January 30, 2009, TRAVIS WILLIAM SHAFFER, a 36-year-old resident of Whitehall /Jefferson County, was sentenced to a term of:

- Prison: 16months
- Special Assessment: \$100
- Supervised Release: 3 years

SHAFFER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 25, 2006, SHAFFER was convicted in Florida of possession of cocaine, a third degree felony. As a result of this conviction, he was prohibited from possessing firearms.

On December 2, 2007, Jefferson County Sheriff's Office deputies arrested SHAFFER at the Whitehall Super 8 Motel for assaulting his girlfriend.

When questioned, SHAFFER admitted purchasing a .22 caliber pistol from a person at a Bozeman bar. He also admitted the firearm was in his vehicle and that he was on probation. When the vehicle was searched, officers recovered a Jennings .22 caliber pistol.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Jefferson County Sheriff's Office, the U.S. Forest Service, the Montana Department of Justice and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

RYLAND LYNN SORENSEN

On August 3, 2009, RYLAND LYNN SORENSEN, a 61-year-old resident of Red Lodge, was sentenced to a term of:

- Probation: 5 years, with the special condition that he is to reside/remain at an approved facility or assisted living until released by the Veterans Administration and the U.S. Probation Office
- Special Assessment: \$100

SORENSEN was sentenced in connection with his guilty plea to being in possession of a firearm while being the subject of a court order.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 24, 2008, an Order of Protection was issued against SORENSON by the Red Lodge City Court. The order was served on SORENSON the same day it was issued and one of the provisions of the order prohibited him from possessing any firearms.

After the domestic restraining order was issued against SORENSON, he continued to possess six firearms at his Red Lodge residence. On January 31, 2008, SORENSON obtained two additional firearms.

In early March of 2008, all of the firearms were turned into the Bureau of Alcohol, Tobacco, Firearms and Explosives by a concerned family member.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JOEL WESLEY SPEISER

On February 11, 2009, JOEL WESLEY SPEISER, a 28-year-old resident of Montana, was sentenced to a term of:

- Prison: 37 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

SPEISER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 16, 1999, SPEISER received a ten year suspended sentence for felony burglary.

On May 3, 2007, a Montana Probation and Parole officer and agents from the Eastern Montana Drug Task Force went to SPEISER'S residence regarding a probation violation. An officer explained he was there to conduct a urinalysis on him. SPEISER then admitted he had just finished smoking a marijuana cigarette and pointed out where there was additional marijuana located in the room. The officer arrested SPEISER and agents then searched the residence. They located numerous items of drug paraphernalia, a large quantity of marijuana, and a Mossberg, Model New Haven 12

gauge shotgun which was loaded with three shot shells.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Eastern Montana Drug Task Force, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, and Firearms.

JOEL H. STONE

On July 8, 2009, JOEL H. STONE, age 40, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Supervised Release: 3 years

STONE was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by Special Assistant U.S. Attorney Ed Zink, the government stated it would have proved at trial the following:

On August 4, 2007, Billings Police officers were sent to a residence on a complaint that there was an intoxicated man in the yard brandishing a "large handgun." The officers found STONE outside and located a Ruger Super Blackhawk revolver, .44 Magnum caliber, on the roof of a car parked in his driveway. They seized the firearm for safekeeping given his obvious intoxication.

At this time, however, officers were unaware that STONE was a convicted felon. STONE later contacted an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and inquired if he was going to be charged with a federal offense. At the time, the agent was unaware of any felony convictions.

Later, STONE went to the Billings Police Department evidence locker and tried to get his handgun back from them. The Evidence Technician refused to return the firearm to him because she checked his criminal history and discovered an outstanding arrest warrant for STONE from California, a felony conviction from California, and a conviction for a misdemeanor crime of domestic violence in Montana. She contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives agent and advised him of this, as well as the fact that STONE was now claiming the firearm belonged to another person and he wanted the firearm released to that person.

Further investigation revealed that the person named by STONE had "straw-purchased" this firearm for STONE in April of 2006, after STONE had previously tried to purchase a firearm in 2005 but was denied after a background check.

STONE has a felony conviction from California from 1989 for assault with a deadly weapon. Additionally, STONE is a fugitive from justice, having absconded from felony probation in California.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ANTONIO LAMONT STUMP

On May 20, 2009, ANTONIO LAMONT STUMP, a 28-year-old resident of Bismarck, North Dakota, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Restitution: \$550
- Supervised Release: 3 years

STUMP was sentenced in connection with his guilty plea to sale of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In late September of 2008, while shopping at a consignment shop in Havre, an individual noticed his missing Llama 9 mm pistol was displayed for sale. Earlier that month, the individual had learned that his pistol had been stolen.

The individual had left his pistol with his girlfriend's brother in March or April of 2008 because there had been several home burglaries in the neighborhood.

In July of 2008, the girlfriend's brother noticed that the gun was missing from the dresser drawer where he had hidden it. He had not given or loaned the gun to anyone, so believed it was stolen. STUMP had been visiting the family on the Rocky Boy Reservation during the summer of 2008.

The owner of the consignment shop identified STUMP as the person who sold the Llama 9 mm pistol. The owner provided a copy of the sales receipt signed by STUMP and listing STUMP as the seller to law enforcement.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Federal Bureau of Investigation.

JUSTIN DALE TENDROY

On January 15, 2009, JUSTIN DALE TENDROY, a 23-year-old resident of Havre, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100

TENDROY was sentenced in connection with his guilty plea to making false statements during a firearms transaction.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 28, 2008, and again on March 6, 2008, TENDROY made false statements during a firearms transaction in order to obtain a Savage .300 SW rifle from a licensed federal firearms dealer. At the time, TENDROY was under information in a four-count information in Hill County for felony distribution of dangerous drugs.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Tri-Agency Safe Trails Task Force and the Rocky Boy's Police Department.

JAMES A. WALKER

On February 11, 2009, JAMES A. WALKER, age 28, was sentenced to a term of:

- Prison: 35 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

WALKER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 14, 2005, WALKER was sentenced for felony criminal endangerment, thereby prohibiting him from possessing firearms.

On September 28, 2007, Billings Police Department officers were dispatched to a report of shots fired and two men fighting near a residence in Billings. As the officers arrived, they encountered WALKER, a woman, and another male. An officer observed WALKER lean into a parked vehicle and suspected that WALKER had placed

something in the vehicle.

As WALKER had an outstanding warrant for his arrest, he was taken into custody. WALKER advised an officer he had placed a gun in the vehicle. Officers searched the vehicle and retrieved a Hi-point 380CF, .380 caliber semi-automatic pistol. The gun was loaded with seven rounds. Officers also located a digital gram scale and approximately 1.2 grams of methamphetamine. WALKER told the officers he would "test hot" for drugs.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JESSY WILLIAMS

On April 9, 2009, JESSY WILLIAMS, a 27-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

WILLIAMS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In March of 2004, WILLIAMS was sentenced to 10 years prison for his actions in a home-invasion robbery. His sentence was enhanced for the use of a weapon. WILLIAMS was later paroled and was on parole during the events of this case.

On October 4, 2008, deputies with the Yellowstone County Sheriffs Office were sent to WILLIAMS' residence on a call that WILLIAMS was threatening a female with a firearm. As a deputy approached the residence, WILLIAMS came out onto the porch carrying a rifle. The deputy drew his sidearm and ordered WILLIAMS to drop the rifle. WILLIAMS did not comply, but instead ran around the back of the residence. The deputy pursued WILLIAMS and eventually arrested him after WILLIAMS dropped the rifle.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Yellowstone County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

DANIEL SLYTER WISE

On May 21, 2009, DANIEL SLYTER WISE was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$60

WISE was sentenced in connection with his guilty plea to possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 9, 2007, WISE burglarized a Missoula residence. During the burglary, WISE stole a Smith & Wesson .357 caliber revolver. Later the same day, WISE sold the firearm to a man on the street. Unknown to WISE at the time, the man on the street was a convicted felon who turned the stolen firearm over to local law enforcement.

When approached by law enforcement, WISE admitted his burglary as well as stealing the firearm during the burglary.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

FRAUD

JEFFREY ALAN ALBRECHT and LISA SHANKS ALBRECHT

On May 21, 2009, JEFFREY ALAN ALBRECHT, age 42, and LISA SHANKS ALBRECHT, age 42, residents of Kalispell, were each sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$6,409.50

They were sentenced in connection with their guilty pleas to government program fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between April 2005 and December 2007, the ALBRECHTS made false statements on their Montana Department of Public Health and Human Services (MDPHHS)

application, recertification and six-month reports, and they received \$7,868 in USDA food stamp benefits they were not entitled to.

The ALBRECHT household had been on federal assistance for some time when, on February 23, 2005, LISA ALBRECHT signed a Six-Month Report confirming a qualifying household income of \$1,758.81 and \$300 in child support as their only income. Previous application and case notes showed the income was from LISA ALBRECHT'S employment at SUBWAY.

For benefits, the ALBRECHTS claimed a household population of seven. On March 3, 2005, a notice was sent to the ALBRECHTS advising them that they were required to report when their household gross monthly income (GMI) was more than \$3,076, no later than the 10th day of the month after the change occurred.

On September 1, 2005, as a result of LISA ALBRECHT'S failure to attend a recertification interview, the ALBRECHTS' food stamp case file was closed.

On February 14, 2006, JEFFREY and LISA ALBRECHT completed a new application for assistance.

On February 27, 2006, JEFFREY ALBRECHT advised MDPHHS that he was not working and had applied for social security disability. LISA ALBRECHT, he advised, was employed at Ross Department Store. JEFFREY ALBRECHT also provided a Rights and Responsibilities Form confirming that he was aware of his responsibility to advise the government if the ALBRECHTS' GMI exceeded \$3,156. JEFFREY and LISA ALBRECHT had previously signed the Rights and Responsibilities Form on February 14, 2006, indicating they read and understood the form.

On July 31, 2006, LISA ALBRECHT completed a Six-Month Report and indicated there were no changes.

On August 8, 2006, LISA ALBRECHT told the MDPHHS that there were no changes to the household composition, that she had been promoted to a manager and that JEFFREY ALBRECHT had been denied social security benefits.

On August 17, 2006, an anonymous caller advised the MDPHHS that JEFFREY ALBRECHT was working fulltime as a truck driver. The MDPHHS was able to confirm employment for JEFFREY ALBRECHT in the second quarter of 2006. A request for employment verification was sent to the ALBRECHTS. They failed to respond to the request for employment verification.

The database showed that JEFFREY ALBRECHT had been working at Bear Naked Paving. MDPHHS closed the family's Medicaid account but they were continued on food stamps pending the ALBRECHTS' provision of employment verification at their next recertification.

On January 8, 2007, MDPHHS received a signed recertification form from the ALBRECHTS. They wrote their only wages came from LISA ALBRECHT'S employment at Ross.

On January 12, 2007, LISA and JEFFREY ALBRECHT were interviewed. They advised that LISA ALBRECHT was still employed at Ross and JEFFREY ALBRECHT was exempt from work registration because he was caring for a six-year-old child. JEFFREY ALBRECHT was questioned about the previous case worker's concern that he had been working. He advised that he had only worked a couple days for the paving company and that he had applied for unemployment insurance.

On June 27, 2007, LISA ALBRECHT signed a Six-Month Report and made no changes regarding income or employment.

On July 24, 2007, however, MDPHHS received four wage stubs for JEFFREY ALBRECHT from Dutton Hauling. The wages stubs covered the periods he worked from April 11, 2007, through June 10, 2007. Dutton Hauling later provided more complete employment information to a fraud investigator advising that JEFFREY ALBRECHT began employment on or about March 25, 2005, and worked through approximately December 14, 2007.

As a result of their scheme, the ALBRECHTS received approximately \$7,868 in food stamp benefits and \$1,022 in Medicaid benefits to which they were not entitled.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General for the U.S. Department of Agriculture.

KARI L. ALFRED

On January 29, 2009, KARI L. ALFRED, a 25-year-old resident of Lolo/Missoula, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Restitution: \$73,143
- Community Service: 100 hours
- Supervised Release: 5 years

ALFRED was sentenced in connection with her guilty plea to embezzlement.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From January of 2005 until February of 2008, ALFRED worked as a teller at Farmer's State Bank, a federally-insured financial institution.

In October of 2006, ALFRED began embezzling money from the bank.

In February of 2008, bank personnel discovered approximately \$73,000 in missing funds during an audit conducted while ALFRED was on leave.

ALFRED was later interviewed by the FBI and admitted stealing the money. She said she started by taking small sums of money – often \$100 – and “force-balancing” the bank’s computer system. She soon graduated to larger sums, often taking as much as \$2,000 per day. ALFRED stated that her crime went unnoticed because no one was responsible for balancing the teller cash vault. She was aware of the bank’s surveillance system, but avoided detection by turning her back to the cameras and placing the money in her drawer.

In addition to ALFRED’S admissions, the government would have introduced at trial computer records and surveillance photos showing some of ALFRED’S fraudulent transactions, including transactions conducted by ALFRED at the bank’s drive-up window when no customers were present. The government would have also introduced testimony explaining how ALFRED reconciled her theft in the computer and why the theft was not uncovered until ALFRED was on leave and the bank conducted an audit of the teller cash vault.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MONIKA ANTOINETTE-BATES

On January 15, 2009, MONIKA ANTOINETTE-BATES, a 52-year-old resident of Whitefish, was sentenced to a term of:

- Prison: 13 months
- Special Assessment: \$100
- Supervised Release: 2 years

ANTOINETTE-BATES was sentenced after having been found guilty during a 2½ -day trial of bankruptcy fraud.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the United States Postal Service Office of Inspector General.

JAMES E. BAKER

On March 12, 2009, JAMES E. BAKER, a 68-year-old resident of Cut Bank, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Restitution: \$35,111.13

BAKER was sentenced in connection with his guilty plea to theft from an organization receiving federal funding.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Dislocated Workers Program helps eligible recipients in securing employment. Covered expenses typically include tuition, housing, and utilities. The applicant must provide a letter from his/her employer regarding the reason for displacement. Displacement relative to lay off qualifies an individual for the Dislocated Workers Program. Voluntary termination does not.

The federal government provides the Workforce Investment Act funding to the Montana Department of Labor. The program is referred to as Project Challenge-Work Again, and is completely funded with federal money (over \$10,000 in funds per year). The Montana Department of Labor utilized the Montana Job Training Partnership, Inc., to administer the Workforce Investment Act funds, which included funds for the Dislocated Workers Program. The AFL-CIO acts as the service provider and has several offices throughout the state. Program coordinators accept applications, determine a person's eligibility to participate in the Dislocated Workers Program, and acts as case manager once they are enrolled.

BAKER was an AFL-CIO program coordinator in the Cut Bank office. K.Z. is BAKER'S stepdaughter.

Prior to June 3, 2002, K.Z. was an employee of the Browning School District. K.Z. had been employed as a teacher's assistant in the high school for two years, and then a business office clerk in the Administration building for four years. K.Z. submitted a letter of resignation on June 3, 2002, that was accepted by the school board on June 11, 2002. K.Z. then applied for and received, through BAKER, benefits under the Dislocated Workers program. BAKER did not reveal this relationship to his supervisors – as he knew he should have and was expected to do – when he enrolled K.Z. into the program. The United States would have presented evidence that K.Z. was ineligible for this or any other program being administered by BAKER.

During the fiscal years of 2002-2005, K.Z. received over half (51%) of all monies that

had been provided to participants enrolled through the Project Challenge-Work Again office in Cut Bank. During the four years that were audited, K.Z. received approximately \$35,111.13 (close to \$8,777.78 per year), whereas the other 54 members enrolled during the same period received a total of \$33,909.36 (or close to \$627.95 per year per member).

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Montana Department of Criminal Investigation.

VICKIE DIANE BECKER

On October 21, 2009, VICKIE DIANE BECKER, a 49-year-old resident of Hardin, was sentenced to a term of:

- Prison: 72 months
- Special Assessment: \$200
- Restitution: \$1,617,843.20
- Supervised Release: 5 years

BECKER was sentenced in connection with her guilty plea to bank fraud and money laundering.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

BECKER was a Vice President of First Interstate Bank at the branch located in Hardin. Beginning on or about September 18, 2002, and continuing into November 2007, BECKER used her position at the bank to obtain loans she was not entitled to. She obtained these loans in two main ways. First, BECKER approved loans for individuals who could not have legitimately qualified for the loan and subsequently told the "borrowers" that she (BECKER) would receive the proceeds from these loans and make all the payments. These individuals typically assented to BECKER receiving the proceeds and making the payments on the loans. However, the named individual on the loans only qualified for the loan because BECKER used her position to get authorization for the funding which she ultimately benefitted from, unbeknownst to the bank.

Secondly, BECKER created, approved and received loans in the names of friends and family members who were not aware of the loan or the loan proceeds. Again, BECKER used her position at the bank to get the loans approved and then benefitted from the loan proceeds. BECKER then engaged in a sophisticated "loan kite" whereby she used proceeds from one loan to pay for personal expenses in addition to making payments on other loans she had benefitted from. In addition, BECKER periodically raised the

lending limit on these loans, allowing her to draw advances from the extra available principal.

In total, BECKER managed payments to and from approximately ten different loans and lines of credit and cycled millions of dollars in loan proceeds through the kite. Money was periodically and systematically moved between the loan accounts and her husband's business accounts under the name Becker's Flooring Inc. Occasionally, BECKER claimed that a loan or payment was made for remodeling or other services provided by Becker's Flooring, when in reality no services were ever provided and this explanation was only a ruse designed to cover the fraud.

Beginning in August 2007, BECKER authorized a loan for a family friend. The loan was initially funded at \$45,000. This loan was systematically increased to \$187,326.81 by November 9, 2007. The friend was not aware of this loan, did not authorize this loan, never signed any loan agreement and never made any payments on this loan. The friend also advised that she would not have qualified for such a sizable loan given her financial condition. Instead, investigation revealed that BECKER created and processed this loan, signed documents to push the loan through, periodically increased credit limits, and used the proceeds for her own personal benefit and to further the loan kite.

Concerning the money laundering offense, investigation revealed that on November 8, 2007, BECKER withdrew \$55,000 in an advance on the friend's line of credit. BECKER transferred this money into the Becker Flooring Inc. checking account. She subsequently transferred this money once more, after laundering it through the Becker Flooring checking account, to make a \$55,000 payment on a Becker Flooring Inc. loan.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

ROBERT MICHAEL BONNER

On October 1, 2009, ROBERT MICHAEL BONNER, a 51-year-old resident of Polson, was sentenced to a term of:

- Prison: 3 months
- Fine: \$50,000
- Supervised Release: 5 years

BONNER was sentenced in connection with his guilty plea to making a false statement to a financial institution.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot , the government

stated it would have proved at trial the following:

BONNER worked for First Interstate Bank ("FIB") in Polson. First Interstate Bank is a federally insured financial institution. BONNER administered trust accounts, which usually meant he moved money around as directed by the account holders.

In 2006, BONNER met with the president of FIB's Polson branch and explained that he intended to buy land near Rollins, overlooking Flathead Lake. BONNER told the bank president that the primary investors for his purchase would be FIB trust account holders. The bank president told BONNER that he could not purchase real estate for his own benefit using monies from account holders, and that he would be fired if he did. BONNER reluctantly agreed not to borrow from bank customers to finance the Rollins real estate deal.

In August of 2007, BONNER approached J.B. and H.M. – both FIB trust account holders – to discuss their willingness to invest in his purchase of the Rollins property. J.B. orally agreed to loan BONNER \$300,000. On August 30, 2007, BONNER wired \$300,000 from J.B.'s FIB trust account to the account of BONNER'S friend and sometimes business partner, J.C.

On August 29, 2007, one day before the wire transfer, BONNER asked J.C. to write a letter to FIB concerning the transfer of J.B.'s funds. BONNER told J.C. what to write and either delivered the letter to FIB or asked J.C. to deliver the letter.

The letter stated that the money transferred from J.B.'s account was "wired to my [J.C.'s] account . . . for a pool of investments dealing in loans secured with real estate. None of the loans in this pool are being used to finance land for any employees of First Interstate Bank." That statement was false. J.B.'s funds were transferred by J.C. to the title company that handled the closing on BONNER'S Rollins property. The funds specifically were applied to the purchase price of land financed by BONNER, an employee of FIB.

J.C.'s letter, written at BONNER'S behest, influenced the actions of FIB in the following manner. FIB had previously agreed to loan BONNER \$250,000 toward the purchase of the Rollins property, with the understanding that the remainder of the purchase money was being supplied by "investor financing," not by FIB trust accounts. That mortgage, which was later increased to \$400,000 (and has since been paid off in full), would not have been negotiated had FIB known that BONNER was borrowing money from trust accounts to pay the bulk of the purchase price.

In order to prevent FIB from discovering the identity of BONNER'S other investors, he and J.C. agreed not to perfect J.C.'s interest, which was really the interest of the trust account holders, including J.B. Those interests were eventually secured, but not until March 2008, approximately seven months after the closing.

Sometime after the closing, BONNER left J.C. a voice mail message concerning the Rollins deal. BONNER discussed the delay in recording J.C.'s interest in the Rollins property and told J.C. "If we say the bank . . . didn't want to record H.M.'s and J.B.'s position on that property then it looks like H.M. and J.B. made the loan to me and of course the loan was made to you and then you loaned to me and we gotta to keep that separate" Both J.B. and H.M. would testify that BONNER asked them to loan him money for the Rollins property and they thought they loaned money to BONNER, not to J.C., for the Rollins property.

The investigation was conducted by the U.S. Secret Service.

**CHAD GANUELOS BROOKS and MICHELLE LYNN BROOKS
(BROOKS & BROOKS)**

On October 30, 2009, CHAD GANUELOS BROOKS, age 36, and MICHELLE LYNN BROOKS, age 45, residents of Polson, were each sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$25,530

In addition, MICHELLE BROOKS was sentenced to 6 months of home arrest.

They were sentenced in connection with their guilty pleas to theft of federal property by fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

From June 2001 through June 2007, CHAD and MICHELLE BROOKS were overpaid at least \$24,806 in federal Food Stamp Program benefits due to false statements they made to the Montana Department of Public Health and Human Services (MDPHHS), in application, recertification, and six-month reports relating to their household income and household composition.

The investigation was conducted by the U.S. Department of Agriculture - Office of Inspector General.

CHARLES MORRIS BUTLER, JR.

On May 20, 2009, CHARLES MORRIS BUTLER, JR., a 50-year-old resident of Culbertson, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100

- Restitution: \$52,490

BUTLER was sentenced in connection with his guilty plea to theft of federal monies.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

V. Butler began receiving Social Security (SSA) retirement insurance benefit payments in January of 1981. She began receiving the payments electronically in November 1992, and the payments were directly deposited to a Bank of America account established by her and her son, CHARLES BUTLER.

Although V. Butler died in Langley, British Columbia on April 29, 2003, the Social Security Administration was not made aware of her death and her benefits continued until March 3, 2008.

Between May 2, 2003, and March 3, 2008, SSA made 60 deposits into the account, totaling \$52,490. Each of the 60 SSA deposits included the following information "SSA INDN: V.R. Butler." The funds in the account were used on a monthly basis through a series of check card purchases and automated teller machine (ATM) transactions.

BUTLER had also lived in Canada until May of 2006, when he moved to Culbertson. He admitted that he used the SSA funds that came into the joint bank account he held with his mother for his own personal use and benefit. During an interview with an investigator, BUTLER referred to the conversion of SSA funds as "a stupid mistake" and said he had intended to stop using the funds, but that did not work out.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the Social Security Administration.

KENDY MICHELLE CARPENTER

On March 17, 2009, KENDY MICHELLE CARPENTER, a 31-year-old resident of Helena, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$400
- Restitution: \$9,542.26
- Supervised Release: 3 years

CARPENTER was sentenced in connection with his guilty plea to violation of the False Claims Act, federal student loan fraud, food stamp assistance fraud and bankruptcy fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2005, CARPENTER was operating a child care business out of her home. At that time, she had two children by virtue of her marriage to D.M., a daughter born in 2004, and a son born in 2003. CARPENTER also had two children by virtue of a relationship with K.R., a daughter born in 1995, and a son born in 1994.

In April 2005, CARPENTER applied for and received a \$1,000 grant from the Best Beginnings Scholarship Program to build a fence around her yard, thereby enhancing the safety of the area where she had children receiving child care services. She then represented that she had used the money to build the fence in her yard and submitted an invoice reflecting the purchase of materials, when she knew the fence had not been built, the supplies not purchased, and that the receipt was fraudulent.

On October 10, 2005, the Director of the Adult and Child Care Food Program performed a records search for duplicate children claimed for program benefits and produced a Duplicate Children Claimed report. The report disclosed that in September 2005, CARPENTER, then using the name Morton-Carpenter, had claimed CACFP benefits for a child that had also been claimed by another service provider. This finding triggered a parent survey and it was determined that several other children claimed by CARPENTER to have been cared for by her during the summer of 2005 had not, in fact, been in her care, even though she had claimed and received CACFP benefits on the basis of her representations.

During this same time, late September 2005, a social worker disclosed that a child who had been eligible for BBSP benefits had not been in CARPENTER'S care since June 2005. Efforts to verify whether CARPENTER had been eligible for any reimbursement from that program failed when CARPENTER failed to disclose her records. ChildCare Partnerships, Inc., the non-profit organization that administers the BBSP in that area, attempted to recoup the overpayment but were unsuccessful. CARPENTER had billed the organization for the care of three children in 2003 for days when she was on vacation or otherwise not operating her child care business. The organization had been able to get reimbursement in that instance by deducting a portion of future amounts.

On July 31, 2006, CARPENTER completed a Department of Public Health and Human Services application for welfare benefits (Food Stamps and Medicaid). In that application, CARPENTER disclosed the \$1,052 she received in monthly child support from K.R., but failed or refused to disclose the \$1,200 she received each month from D.M. The non-disclosure was material because had it been listed, CARPENTER would have been ineligible for welfare benefits.

In October 2006, CARPENTER and D.M. declared bankruptcy. In her petitions and schedules, CARPENTER made false statements and willful omissions. CARPENTER failed to report unearned income for the calendar years 2004 and 2005 in the form of

child support payments, government payments from the Child/Adult Care Food Program, and government payments from the Best Beginnings Scholarship Program.

In November 2006, CARPENTER completed a six month status report wherein she made the same fraudulent omission; claiming the \$1,052 in child support from one source and concealing the \$1,200 from the other.

On January 2, 2007, CARPENTER began a job with the Montana State Department of Public Health and Human Services (DPHHS) as an insurance claims examiner. She continued to receive welfare benefits and did not disclose, as she was required to do, this change of circumstances which would have affected her continued entitlement to food stamps and medicaid. When she failed to appear for her six month re-certification interview, her benefits were suspended and her file closed on June 1, 2007.

One month later, on July 11, 2007, CARPENTER reapplied for welfare benefits. In this application she claimed that her only income was child support in the amount of \$300 from K.R. and \$200 from D.M. CARPENTER claimed a new household member, husband J.M., and claimed that J.M. contributed nothing financially to the household income. This application fraudulently represented the true amount of child support she was getting from D.M. and K.R., failed to disclose her income from the state, and failed to disclose the substantial income being brought to the household by J.M., who was then employed in logging.

To bolster her false statements, CARPENTER fabricated and forged two letters – one purporting to be authored by K.R. and one purporting to be authored by D.M. – indicating that K.R. and D.M. were paying \$300 and \$200, respectively, each month in child support.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the United States Department of Agriculture, Office of Inspector General, Great Plains Region as part of the "Trick for Treat Project."

DONALD LOUIE CLAYBORN

On January 9, 2009, DONALD LOUIE CLAYBORN, a 58-year-old resident of Helena, was sentenced to a term of:

- Home Arrest: 6 months with electronic monitoring
- Special Assessment: \$100
- Restitution: \$35,303.32
- Supervised Release: 5 years

CLAYBORN was sentenced in connection with his guilty plea to theft from an organization receiving federal funding.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

CLAYBORN served as Helena Indian Alliance Executive Director from July of 2003 until his resignation which occurred sometime during February of 2007.

The Helena Indian Alliance (HIA) is a Montana Indian non-profit organization established to develop, implement, and maintain cultural, social, and economic programs for families, seniors, and youth.

Prior to official travel, HIA staff are required to complete a travel request form for an advance of funds, which is then approved by the Executive Director. The advance of funds covers meals, lodging, and any incidental expenses. Upon the Executive Director's approval, a staff member then prepares a check in the name of the traveler representing the anticipated travel costs.

Upon returning from travel, HIA staff submit their receipts so that they can be reconciled with the travel claim to determine any monies that were owed to them or that they needed to repay to the HIA. HIA required HIA staff to submit receipts for lodging but not for meals.

In or around October of 2004, CLAYBORN told the HIA accountant that he wanted to start handling his own travel since the HIA policy was cumbersome. CLAYBORN said that when he had worked for the State of Montana, he had a \$1,500 revolving travel advance. At the conclusion of their conversation, CLAYBORN advised that he would take travel advances as needed without going through the official HIA protocol. Since CLAYBORN would not be requesting his travel advances through a staff member, the accountant inputted CLAYBORN'S travel advance checks into a computer program called Quick Books. CLAYBORN was advised that he needed to maintain support, such as lodging, meals, and expense receipts for his travel.

Since the HIA receives almost all of its funding through federal sources, it is required to have an independent audit periodically conducted on the books and records of the non-profit. The Fiscal Year 2005 audit reviewed sixty-five travel checks for testing. The auditor noted, among other things, that all of his own travel checks were signed and authorized by CLAYBORN. The audit also discovered that support for the executive director's meals while on travel to various cities were supported by a series of sequentially numbered meal receipts which appeared to be falsified. Additionally, all travel requests were split into multiple checks at or below the \$500 threshold (which appeared designed to circumvent a dual signature requirement that applies to checks over that amount), that requires only the executive director's signature and approval.

CLAYBORN'S administrative assistant advised that shortly after receiving the draft 2005 audit report by mail, CLAYBORN told her not to tell anybody that she had received it. CLAYBORN did not say why he didn't want anyone to see it, but the

assistant believed his decision had to do with the audit results which questioned CLAYBORN'S travel expenses.

On February 21, 2007, CLAYBORN contacted the treasurer of the HIA and requested a meeting with him and the HIA Board regarding the 2005 audit. On that day, HIA's treasurer and accountant, CLAYBORN, and HIA Board members met to discuss the 2005 audit findings. It was at that meeting that the Board learned that the audit report noted that travel expenses were not properly supported and appeared to be falsified. The treasurer recalled learning sometime shortly after the HIA Board meeting, on February 21, 2007, that the draft 2005 audit report that CLAYBORN had provided to the Board at that meeting was missing several pages. Brown advised that the pages had to do with whether corrective action had been taken regarding the 2004 audit findings. With regard to the 2004 audit report, HIA was convinced that CLAYBORN also withheld that report as well, as CLAYBORN had received it during November of 2006 but had not provided it to the HIA Board until February 14, 2007.

During the period of October 2004 through February 2007, CLAYBORN received \$53,932 for business related travel. The FBI reviewed these payments, noting that numerous checks were below the \$500 threshold. For instance, during the period of May 9, 2005, through September 19, 2005, CLAYBORN generated 38 checks either for \$490 or \$495 payable to himself. In the same time period, he only generated 6 checks for lesser amounts. Additionally, between October 5, 2005, and February 21, 2006, CLAYBORN generated another 23 checks. Of these, 15 of them were for \$490.

Forensic reviews of the records of the HIA and CLAYBORN'S bank records revealed several instances of apparent embezzlement:

- On numerous occasions, CLAYBORN submitted more than one travel request covering the same travel days but for travel to different cities. As an example, CLAYBORN submitted three separate travel requests, each totaling \$490, for travel which was to occur on October 5 through 10. One of the travel requests showed travel to Billings, Butte, Great Falls, and Missoula. The second request showed travel to Bozeman and the third request showed travel to Billings, Butte, and Great Falls. In another instance, CLAYBORN submitted three separate travel requests each totaling \$490, for travel which was to occur on August 5 through 12. One of the travel requests showed travel to Billings, and Fairmont. The second request showed travel to Billings, and the third travel request showed travel to Butte, Great Falls and Missoula.
- During the period of July 2003 through February 2007 (CLAYBORN'S tenure at HIA), CLAYBORN wrote hundreds of checks to cash (drawn on his personal account at Mountain West Bank), at local Helena casinos/bars totaling close to \$300,000. Further review revealed many checks written on days which, according to the travel requests,

CLAYBORN was in Billings on travel status.

One staff member recalled a trip during September of 2005 in which CLAYBORN was to travel to Milwaukee, Wisconsin for a conference. At CLAYBORN'S request, the staff member attended the conference in his place, leaving Helena on a Thursday and returning the following Monday. The trip cost around \$1,000. Although the staff member was reimbursed by HIA for the cost of the trip, CLAYBORN wrote at least one check to himself reflecting reimbursement for the same trip. The FBI was provided with copies of two checks written to CLAYBORN totaling \$490. One of checks contained the words "TRVL NACOH MILW" in the memo section and the other check contained the words "TRVL MILWKE"

During 2006, CLAYBORN called the HIA to advise that he was on his way back from Butte. Approximately one half hour later, the HIA staff member he had spoken to was driving on 11th Avenue in Helena when she observed CLAYBORN driving his white Chevy Caprice station wagon.

On numerous occasions, CLAYBORN telephonically contacted HIA to advise that he would be out of town for the day. CLAYBORN claimed he traveled to the Billings Indian Health Service or one of the other Indian alliance offices in Butte, Great Falls, Missoula, or Billings. CLAYBORN typically returned to the office before 5:00 p.m. on days which he said he would be traveling out of town.

On several occasions, recalled by staff members, CLAYBORN contacted HIA around 11:00 a.m. to advise that he was on his way to Billings. Around 3:00 p.m. on the same day, CLAYBORN contacted the HIA to advise that he was traveling back from Billings. With regard to several trips CLAYBORN alleged to have taken to Billings, he returned to the HIA office before 5:00 p.m. The distance from Helena to Billings is 224 miles and takes approximately 3½ hours, each way, under optimal conditions.

According to HIA travel records, CLAYBORN obtained travel funds to travel to Billings on HIA business on over 30 occasions between October 18, 2004, and November 26, 2005. By letter dated January 8, 2008, the Billings Indian Health Service (BIHS) provided the results of their review wherein they enclosed copies of the visitor log sheets maintained for their building. Based upon the security logs, with the exception of March 5-18, 2005, for which no records could be located, CLAYBORN did not enter their offices located in the Federal Building at 2900 Fourth Avenue North. CLAYBORN would not have been allowed to enter the building without signing in and presenting proper identification.

The Indian Health Board of Billings (IHBB) advised that approximately three years ago (2004), CLAYBORN may have been in attendance for a meeting at the IHBB. The Executive Director, who has been in that position since 2004, was aware of only this one occasion when CLAYBORN had visited the IHBB.

Interviews at related organizations in other Montana cities registered similar comments and observations. CLAYBORN was rarely recalled as being at their facilities.

During the period of October 2004 through February 2007, CLAYBORN received federal monies totaling \$40,881 for business related travel which was not verified or supported by legitimate receipts, and which witness interviews made clear did not likely actually occur.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BOYTON NEULING CLUNE III

On August 13, 2009, BOYTON NEULING CLUNE III, age 36, formerly of Billings, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$200
- Restitution: to be determined within 90 days
- Supervised Release: 3 years

CLUNE was sentenced in connection with his guilty plea to bank fraud and aggravated identity theft.

In an Offer of Proof filed by Assistant U.S. Attorney Ryan M. Archer, the government stated it would have proved at trial the following:

CLUNE was a partner in a fencing business in Billings with a friend, identified here as "BS." CLUNE repeatedly used B.S.'s personal information without legal authority. B.S. would have testified that he learned that CLUNE had applied for and received eight credit cards in B.S.'s name and had made purchases with those credit cards. B.S. confronted CLUNE, and even forced him to pose for a photo holding a card that CLUNE had fraudulently obtained.

CLUNE and B.S.'s partnership dissolved and CLUNE eventually left Montana. However he continued to use B.S.'s identity. CLUNE completed an on-line application for a loan from USAA Federal Savings Bank in San Antonio, Texas. CLUNE received a \$36,477 loan as if he were B.S., which he used to buy a Lexus. CLUNE had the car titled as if it were B.S.'s.

B.S. would have testified that none of the documents are his own and that the car transaction involved identity theft and forgery by CLUNE.

The investigation was conducted by the U.S. Secret Service.

THOMAS JOSEPH COSAND

On February 25, 2009, THOMAS JOSEPH COSAND, age 41, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$200
- Restitution: \$37,860.59
- Supervised Release: 5 years

COSAND was sentenced in connection with his guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In March of 2004, COSAND entered the Billings Federal Credit Union to apply for an auto loan and was referred to a Financial Services officer. COSAND informed her that he worked for Auto Mall in Billings and wished to purchase a vehicle. He also claimed that he was in the process of purchasing a new home and his mortgage company did not want him to pull another credit report until financing was finalized. He claimed that his employer had pulled a credit report on him in February 2004 and he could get a copy of it if the Billings Federal Credit Union could use that report. The Financial Services officer received permission from her supervisor to base COSAND'S loan on the credit report he provided to her which indicated he had a credit rating of 809. On March 26, 2004, the Financial Services officer processed an auto loan and issued COSAND a cashier's check for \$17,100.

On April 8, 2004, COSAND again spoke with the Financial Services officer about an additional personal signature loan. The Financial Services officer loaded the loan information based on the credit report COSAND had previously provided her. Billings Federal Credit Union then processed an additional \$7,200 personal loan. Subsequently, the bank ordered a credit report for COSAND after issuing a cashier's check for this second loan. They discovered that the Transunion Credit report was vastly different than the credit report COSAND had provided. The Financial Services officer verified that had COSAND used his real credit report which was verified through Transunion, he would not have received the vehicle or personal loan since he had numerous civil judgments against him, several accounts had been turned over for collection, COSAND was delinquent in child support and other accounts, and has two repossessed vehicles. After repossession and sale of COSAND'S vehicle, the bank lost over \$8,000, in addition to \$7,200 on the personal loan.

A Transunion witness would have testified that the credit report was false and that the company ran the data entered into the credit report and could not identify a single individual who matched that data. Ultimately, Transunion does not know how the credit report was falsified, but verified that it looked extremely authentic and the actions taken

by the banks were reasonable given the story COSAND provided.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

DWAYNE E. DIETZ

On November 10, 2009, DWAYNE E. DIETZ, a 66-year-old resident of Billings, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$50
- Restitution: \$16,178
- Community Service: 80 hours

DIETZ was sentenced in connection with his guilty plea to Social Security Administration (SSA) disability payment fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Leif M. Johnson, the government stated it would have proved at trial the following:

DIETZ has a handicap related to his vision and began receiving Social Security Administration disability benefits in 1992.

In the late 1990s, DIETZ was investigated for disability payment fraud. Investigators learned that, while DIETZ was receiving payments for a complete disability because he could not work, DIETZ was working. At the time, DIETZ was traveling the country as a consultant for cattle breeders and buyers.

As a result, DIETZ received a substantial overpayment from the Social Security Administration. He eventually pled guilty, and, in June of 2000, was sentenced to a term of probation.

DIETZ then reapplied for SSA disability in 2000, and in 2001, was awarded the same type of benefits he had received previously. The benefits were paid retroactive to the date of his last work in 1999.

As part of the re-application process, DIETZ signed forms indicating that he understood his obligation to notify SSA if he went back to work in any capacity.

By July or August 2005, DIETZ was working again, this time for Western Livestock Reporter (WLR). DIETZ was earning a commission selling advertising. Several employees would have testified that DIETZ was in fact working at the WLR.

Employment records would have shown that both DIETZ and a J.D. Dietz were working at WLR. J.D. Dietz was DIETZ'S wife, who worked full-time at Carpet One. None of the employees at WLR recalled her working there.

Under an arrangement with the owner of WLR, DIETZ received approximately \$1,500 per quarter from WLR under his own Social Security number. He also received the balance of his commission-based salary under his wife's Social Security number. These separate amounts totaled approximately \$8,000 per quarter.

DIETZ, his wife, and the owner of WLF have all admitted the foregoing scheme.

Between 2006 and 2007, DIETZ received approximately \$16,000 in SSA disability payments that he was not eligible to receive.

The investigation was conducted by the Social Security Administration - Office of Inspector General.

TYRONE IRVINE DYSE

On October 1, 2009, TYRONE IRVINE DYSE, a 53-year-old resident of Los Angeles, California, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$100
- Restitution: \$1,120,300
- Supervised Release: 3 years

DYSE was sentenced in connection with his guilty plea to conspiracy.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

William Marlin was a purported Hollywood businessman who formed numerous companies that were allegedly associated with the film industry. Since 1992, Marlin has been associated with six entertainment related companies. The majority of Marlin's companies have been accused of defrauding investors. DYSE had known Marlin for approximately ten years.

In approximately 2006, Marlin started a new business called Children's Family Films (CFF). To avoid detection by state regulators and former investors, Marlin adopted the alias K.H. Marlin knew the real K.H. and paid him \$2,500 to use his name on bank accounts and other documents.

Once Marlin started CFF he recruited a "boiler room" crew in order to solicit investors nationwide. This crew consisted of several individuals who would cold call investors

and try to sell them investment shares in CFF. Marlin and other boiler room operators typically promised investors that they would receive 100% of their investment back in three months and then they would receive thousands of dollars per month for the next one to three years.

The amount of the purported return was based on the amount of the initial investment. Investors were told that companies like Home Box Office (HBO) and Disney would purchase and play CFF movies. In turn, the companies would allegedly pay CFF for the movies and the profit would be passed on to CFF investors. In reality, CFF never had any contracts with Showtime, HBO, Disney or any other media or cable television company. CFF never received any payment from any of these companies.

DYSE refused to cold call and solicit new investors. However, DYSE did perform general administrative duties for Marlin. Marlin used DYSE to pick up and send mail via the United States Postal Service and Federal Express, deposit checks, deliver investment materials, cash checks and pay other boiler room co-conspirators. DYSE deposited an estimated \$50,000 of investor monies per month into the CFF bank accounts. At Marlin's direction, DYSE opened a cellular phone account using an alias. The phone number was then used by Marlin, DYSE and other co-conspirators to call CFF investors. Also at Marlin's direction, and using aliases, DYSE sent proceeds from CFF via Western Union wire transfers to other co-conspirators.

Despite DYSE'S refusal to cold call new investors, he did make calls to vouch for the legitimacy of CFF by posing as several alleged prior investors in CFF. Using aliases, DYSE would be referred to interested investors to legitimize CFF's investments. DYSE would confirm to the interested investors that his fictitious investments in CFF had yielded double and triple returns. DYSE never invested any of his own funds in CFF.

During his involvement with CFF, DYSE also fielded investor complaints. DYSE used aliases when handling investor complaints. One such complaint came from an investor in Montana, E.J. E.J. was first contacted by an unindicted co-conspirator who called on behalf of CFF. The caller stated that CFF produced "B Movies" in the children film industry and sold them to companies such as HBO, STARZ, Showtime, Disney, and to film companies overseas.

The caller asked E.J. if she would be interested in investing with CFF. E.J. was offered one "Unit" of investment in the company for \$20,000. The investment offering was described as an opportunity to buy into a "partnership" arrangement with CFF. E.J. was told that the company could guarantee a return of 5 to 1 on her initial investment of \$20,000 and the company would guarantee that she would get her initial investment of \$20,000 back in one lump sum in exactly three months time. The caller also told E.J. that she would receive payments of \$1,800 a month for 36 months following the return of her initial investment. E.J. was then sent a subscription agreement and an investment packet via Federal Express.

Prior to signing the subscription agreement, E.J. contacted the "references" provided by CFF. DYSE posed as an alleged investor to convince E.J. to invest. Shortly after signing the subscription agreement, E.J. was contacted by a person claiming to be K.H., who said he was a "General Partner" for CFF. K.H. was an alias for Marlin. K.H. made numerous claims about how E.J.'s investment would perform and the progress of current CFF films. E.J. was convinced and made an initial investment of \$20,000. E.J. subsequently facilitated investments for numerous family and friends in Montana. Altogether, E.J. and her friends and family invested approximately \$160,000 into CFF. After CFF failed to produce any returns for E.J. and the other Montana investors, she tried repeatedly to contact CFF and K.H. DYSE, using an alias, spoke to E.J. several times in an attempt to placate her concerns about the lack of a return on the investments she and her family and friends had made with CFF. Ultimately, despite repeated attempts, neither E.J. nor any Montana investor received any money back. Investors' money was used to further the scheme and pay for the personal expenses of Marlin, DYSE and the other co-conspirators. DYSE received approximately \$50,000 per year for the three years he was involved in the CFF scheme. CFF never produced a film, product, video or any other media and no investor ever received a return on their investment.

Marlin pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorneys Ryan M. Archer and Jessica T. Fehr prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

SUMMER JEAN LYNN FETTERS

On July 30, 2009, SUMMER JEAN LYNN FETTERS, a 33-year-old resident of Kalispell, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$15,949.56

FETTERS was sentenced in connection with her guilty plea to theft of government funds - food stamp fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

Between December 2005 and December 2007, FETTERS made false statements on her Montana Department of Public Health and Human Services applications and six-month reports, and thereby received food stamp and TANF benefits. FETTERS

received overpayments of \$7,938 in food stamps, \$2,390 in TANF benefits, and over \$6,382 in Medicaid payments to which she was not entitled and would not have received if she had been truthful about her household income and circumstances. The total loss to the government attributable to these false statements and fraudulent concealments is \$16,710.

The investigation was conducted by the U.S. Department of Agriculture - Office of Inspector General.

LYNN ANN GARDIPEE

On September 30, 2009, LYNN ANN GARDIPEE, a 36-year-old resident of Yellowstone County, was sentenced to a term of:

- Probation: 5 years, with 6 months home arrest
- Special Assessment: \$100
- Restitution: \$34,578

GARDIPEE was sentenced in connection with her guilty plea to federal welfare assistance fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From October of 2001 to December 27, 2007, GARDIPEE received overpayments of \$13,465 in food stamps, \$1,546 in Temporary Assistance to Needy Families Program (TANF) funds, and over \$19,567 in Medicaid payments to which she was not entitled and would not have received if she had been truthful about her income and circumstances.

U.S. Attorney Bill Mercer prosecuted the case for the United States.

The investigation was conducted by the U.S. Department of Agriculture - Office of Inspector General.

GWEN GARDNER

On October 1, 2009, GWEN GARDNER, a 40-year-old resident of Kalispell, was sentenced to a term of:

- Home Arrest: 4 months
- Probation: 3 years
- Fine: \$2,500

GARDNER was sentenced in connection with her guilty plea to conspiracy to commit

wire fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

Beginning in 2003, and continuing until August 28, 2007, GARDNER operated an exotic dancing business. GARDNER placed advertisements in various Seattle publications, answered calls from prospective customers at her home in Kalispell, and scheduled appointments for various dancers working for her.

Some of GARDNER'S customers requested that the dancer come to their residence. Others were interested in making an appointment at an "in-call" location. GARDNER maintained an apartment in Seattle that she utilized as her "in-call" location.

Sometimes the dancers would arrive at the appointments scheduled by GARDNER, collect the fee, and perform an exotic dance. They would later deposit a portion of the proceeds into GARDNER'S Wells Fargo bank account, which she maintained and controlled from Kalispell.

At other times, the dancer would arrive at the scheduled appointment and, at GARDNER'S direction, perform a "cash and dash." The dancer would collect the fee and then make up some excuse to leave the premises without performing the exotic dance. GARDNER would sometimes tell the dancers to perform a "cash and dash," particularly if she was receiving a high volume of calls and wanted the dancers to make as many appointments as possible and collect as many fees as possible. The "cash and dash" resulted in the theft of the customer's money, a portion of which was deposited into GARDNER'S Wells Fargo bank account. Wells Fargo utilized wire communications to reconcile the Seattle transfers with GARDNER'S Kalispell account.

GARDNER not only told the dancers when to perform a "cash and dash," she also told them how. On June 26, 2007, during a recorded conversation with an undercover Seattle police officer, GARDNER suggested several methods of executing a "cash and dash." GARDNER explained that the dancer could tell the customer that she needed to check in with her driver or that she forgot something in her car. GARDNER told the officer that dancers could leave an item of clothing or a purse behind, so the customer would think the dancer was coming back.

GARDNER not only scheduled "in-call" appointments at her Seattle apartment, she also scheduled "in-call" appointments at an area Ramada hotel, despite the fact that she did not maintain an "in-call" location at that hotel. GARDNER'S dancers knew that a Ramada "in-call" was nothing more than a "cash and dash" that easily could be executed by meeting the customer in his car in one parking lot, collecting the fee, telling the customer that the dancer would go inside and rent a room, and then simply walking around the hotel to a second parking lot and departing the premises.

During an interview with law enforcement, one of GARDNER'S dancers explained that GARDNER directed her to perform "cash and dash" at anywhere from 30% to 70% of her appointments. Regardless of the fee charged by the dancer, and regardless of whether the dancer performed an exotic dance or executed a "cash and dash," GARDNER received \$100 from every appointment.

The investigation was conducted by the U.S. Secret Service.

JEROME GARSJO

On November 12, 2009, JEROME GARSJO, age 65, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Restitution: \$358,384.56
- Supervised Release: 5 years

GARSJO was sentenced in connection with his guilty plea to bank fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Ryan M. Archer, the government stated it would have proved at trial the following:

GARSJO was the owner of J&S Auto Sales, which was in the business of buying, trading, and selling used vehicles. GARSJO obtained a flooring line of credit from Little Horn State Bank in the amount of \$450,000.

Beginning on December 12, 2006, through June 12, 2007, GARSJO floored vehicles in excess of their value. Specifically, he overstated the price he paid for traded vehicles. This inflated the price of vehicles by providing false paperwork to the bank and forging the signatures of the sellers in order to artificially inflate the value of the vehicle.

This conduct resulted in GARSJO drawing off more funds from the bank than he was entitled to and losing a substantial amount of money since the cars used as collateral were not worth what he said they were. The bank ultimately had to charge off over \$350,000 as a result of GARSJO'S misrepresentations.

When questioned on October 22, 2008, GARSJO admitted that he had created invoices to reflect an adjusted and inflated vehicle value and then used these invoices to obtain money from his flooring line of credit at Little Horn State Bank.

The investigation was conducted by the Federal Bureau of Investigation.

MAURICE GUNN

On April 15, 2009, MAURICE GUNN, a 38-year-old resident of Billings, was sentenced

to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Restitution: \$1,352

GUNN was sentenced in connection with his guilty plea to making false claims.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the summer of 2005, GUNN was an employee of Rimrock Auto Group in Billings. Rimrock sent a number of employees, not including GUNN, to their sister dealership located at 2226 Canal Street, New Orleans, Louisiana, in an effort to aid the financially failing business. GUNN never traveled to the dealership or to Louisiana at all.

On October 8, 2005, GUNN telephoned the Federal Emergency Management Agency (FEMA) hotline and submitted a FEMA form 90-69, an application for emergency funds, claiming he was a displaced person as a result of Hurricane Katrina. GUNN provided the following information to FEMA:

1. The Canal Street dealership was his residential address;
2. The Canal Street dealership was his primary residence;
3. The Canal Street dealership was an apartment;
4. His apartment was damaged as a result of Hurricane Katrina;
5. He or his family members had lost work as a result of the disaster;
6. He had disaster related moving and storage expenses; and
7. He was self-employed.

All of GUNN'S statements were false.

On January 4, 2006, as a result of GUNN'S fraudulent FEMA application, a Treasury check was issued to GUNN for \$1,352.00. The check was mailed to his primary residence in Billings.

When interviewed by law enforcement, GUNN admitted that the information he had used was fraudulent and that he had spent no time in New Orleans.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Postal Inspection Service, the U.S. Secret Service and the Department of Homeland Security - Office of the Inspector General.

ANGELA HAKALA

On March 26, 2009, ANGELA HAKALA, a 35-year-old resident of Billings, was sentenced to a term of:

- Prison: 1 day (time served)
- Home Arrest: 6 months
- Supervised Release: 5 years

HAKALA was sentenced in connection with her guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Intermountain Mortgage Company, Inc. (IMC), of Billings, Montana was in the business of originating, brokering and servicing first and second mortgage loans. HAKALA was employed by IMC as Chief Financial Officer and bookkeeper for the business.

As part of the business, IMC obtained a line of credit from First Citizens Bank of Billings, Montana, a federally insured financial institution, to fund mortgage loans that IMC later sold in a secondary market. To obtain funds from the line of credit, IMC reported its financial condition to First Citizens Bank each year in the form of financial statements that were audited by the accounting firm Eide Bailly, L.L.P.

IMC assisted in the audit of its financial statements by supplying financial information to Eide Bailly, L.L.P., including lists of closed mortgage loans that IMC had sold but had not yet received payment, which were reported on IMC's financial statements as "Receivables – Mortgage loans sold to customers."

First Citizens Bank used IMC's audited financial statements to determine the amounts of money it would loan IMC under its line of credit.

By March of 2004, IMC was in financial trouble. Its bills began to exceed its receipts by a substantial margin.

In order to prevent First Citizens Bank from learning of IMC's financial problems, HAKALA began supplying false financial information to Eide Bailly.

In preparation for Eide Bailly's audit of the IMC financial statement for 2004, HAKALA prepared a list of "2004 Notes Receivable." On this list, HAKALA knowingly included 13 mortgages that were no longer "receivable" because IMC had already been paid.

A year later, IMC's business had not improved and it had fallen further behind. Once again, HAKALA prepared a list of "Notes Receivable" for Eide Bailly's audit of the IMC financial statement. Reflecting the deeper financial difficulties at IMC, HAKALA'S list of

“Notes Receivable” for 2005 contained 19 notes that were no longer “receivable” because IMC had already been paid.

In the spring of 2006, HAKALA again submitted similar false financial information to Eide Bailly to conceal IMC’s true financial condition. This time, HAKALA submitted a list of “Notes Receivable” to Eide Bailly containing 26 notes that were no longer “receivable” because IMC had already received payment.

First Citizens Bank relied on the false information that HAKALA supplied to Eide Bailly as part of the annual audits of its financial condition. Had First Citizens Bank known the true financial condition of IMC, particularly the amounts of its actual accounts receivable, it would have reduced or entirely shut down its line of credit loans to IMC.

The result of the foregoing fraud on First Citizens Bank allowed IMC to continue running its business operations with borrowed money that it had no ability to repay.

After the deceptive listing of “Notes Receivable” was discovered, HAKALA sat for two interviews with the F.B.I. During these interviews, HAKALA admitted to “cooking the books” at IMC to prevent the company from bankruptcy. She further admitted that she knew that, by giving Eide Bailly an inflated list of “Notes Receivable,” she was falsely misrepresenting the financial condition of IMC. Finally, HAKALA stated that the funds received from First Citizens Bank pursuant to the scheme were used to fund the operations of IMC.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JUDY LYON HAMMACK

On November 6, 2009, JUDY LYON HAMMACK, a 47-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Restitution: \$222,973.77
- Supervised Release: 5 years

HAMMACK was sentenced in connection with her guilty plea to bank fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

From 2004 until 2008, HAMMACK worked as an independent contractor accountant/bookkeeper for several businesses in the Kalispell area, including Mark

Construction and Nielsen Masonry, Inc.

From 2004 to 2006, HAMMACK embezzled money from Mark Construction.

From 2006 to 2007, she embezzled money from Nielsen Masonry.

HAMMACK effected her theft by several different means. Sometimes she would inflate her paycheck by paying herself more than she had earned for a particular time period. Other times she would write herself checks to which she was not entitled and either make no entries or make false entries in Quickbooks to cover her fraud. HAMMACK occasionally forged her employers' signatures on the fraudulent checks, and occasionally asked her employers to pre-sign the checks before entering fraudulent amounts. The checks were drawn on Nielsen Masonry's Glacier Bank account.

On January 14, 2008, HAMMACK'S supervisors at Nielsen Masonry confronted her after discovering accounting discrepancies in the company's records. HAMMACK admitted that she had been stealing money from the business. An audit commissioned by Nielsen Masonry found \$157,318.20 in stolen funds. HAMMACK admits to stealing at least \$113,171.70.

After HAMMACK was confronted by Nielsen Masonry, she contacted her other clients to admit her theft from Nielsen. She then told her other clients, including Mark Construction, that she did not steal from them.

On January 30, 2008, HAMMACK was interviewed and admitted stealing money from Nielsen Masonry, but denied embezzling from any other clients. She reviewed company bank statements with the investigating agents and made notations on checks she knew to be fraudulent as well as checks that were possibly fraudulent and legitimate checks.

Sometime in late February or early March 2008, HAMMACK called the owner of Mark Construction and admitted that she also embezzled money from his company and that he should audit his books. The result of Mark Construction's audit revealed that HAMMACK had stolen \$70,421.57 over a two-year period.

The investigation was conducted by the Federal Bureau of Investigation in Kalispell.

VICKI LYNN HEATER

On June 18, 2009, VICKI LYNN HEATER, a 54-year-old resident of Red Lodge, was sentenced to a term of:

- Prison: 32 months
- Special Assessment: \$200
- Restitution: to be determined

- Supervised Release: 3 years

HEATER was sentenced in connection with her guilty plea to credit card fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

An individual, hereafter referred to as "John Doe," lives in Bear Creek where he operates a contracting business. Tired of making a daily trip in to Red Lodge to collect mail and conduct business, he decided to hire a bookkeeper to take care of the business and personal finances.

HEATER was recommended by a mutual acquaintance. "John Doe" hired HEATER in 2006 and gave her access to his Red Lodge post office box, all account statements, as well as "John Doe's" signature stamp. Based on a handshake agreement, HEATER was supposed to pay all personal and business bills, forward mail and file bank and credit card account statements in HEATER'S home office in Red Lodge. "John Doe" did not see his account statements after hiring HEATER. HEATER was to be paid \$150 per month for her services.

Shortly after HEATER began working for "John Doe" in March 2006, she began to write unauthorized checks to herself out of "John Doe's" personal and business bank accounts. She then began using "John Doe's" credit card to make personal purchases which were paid for out of personal and business accounts. HEATER then applied for credit cards in "John Doe's" name. Sometimes she would fill in "John Doe's" address in the credit card application, but other times she would fill in her personal address and telephone number as the contact information for the card in "John Doe's" name. She then used these cards for her own personal expenses and paid them with "John Doe's" funds.

At no time did "John Doe" ever offer to pay HEATER more than \$150 per month or authorize her to make credit card expenditures or apply for credit cards in his name. HEATER also paid herself \$800 from one of "John Doe's" accounts on July 12, 2007, and noted in the memo section of the check that it was for a bonus.

An itemized list of her personal expenses showed that many credit card purchases were made from an on-line prescription drug supplier with a server based in Malaysia. Including the unpaid credit card debt that was forgiven by multiple banks, and the direct losses, HEATER was responsible for thousands of dollars of loss.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

TODD HOROB

On December 17, 2009, TODD HOROB, a 41-year-old resident of Williston, North Dakota, was sentenced to a term of:

- Prison: 132 months
- Special Assessment: \$700
- Restitution: \$6,028,731.13
- Supervised Release: 5 years

HOROB was sentenced after having been found guilty during a 3-day trial of bank fraud, wire fraud, bankruptcy fraud, money laundering, and aggravated identity theft.

At trial, the government presented evidence that HOROB defrauded Wells Fargo Bank out of over \$5 million, based on a false promises scheme where he claimed to have over 7,000 head of cattle in 2006. In reality, Wells Fargo was only able to find 60 head of cattle.

In furtherance of his false promises scheme, HOROB fabricated brand certificates that supposedly showed that he had millions of dollars in cattle on hand. Local brand inspectors testified that the brand certificates were falsified and they had no records of such large amounts of cattle belonging to HOROB. HOROB also showed bankers cattle that he did not own on land he did not lease – falsely representing that they were his. He also convinced several stock yard owners to lie to bankers by telling them that cattle in the yards were his when in reality they were not.

HOROB also defrauded Dakota West Credit Union out of almost \$1 million by obtaining a loan based on a fabricated invoice representing ownership in 1,276 cows that never existed.

Finally, HOROB filed for bankruptcy on March 24, 2006. The day before filing, he transferred just over \$235,000 out of his cattle hedging investor accounts and into his American State Bank account. The same day he filed bankruptcy, HOROB wrote cashiers' checks to numerous people, including himself, for over \$244,000. HOROB did not disclose his American State Bank account in his bankruptcy petitions, and only added it when Wells Fargo discovered its existence.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

PATIENCE ISAACS

On January 15, 2009, PATIENCE ISAACS was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Restitution: \$55,010
- Supervised Release: 3 years

ISAACS was sentenced in connection with her guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

ISAACS and another individual went to at least 11 banks in the Bozeman/Livingston area in September of 2007. ISAACS would present a credit/debit card and seek a cash advance – always under \$10,000. When the card was swiped, it would come back declined. She would tell the bank employee to call the customer service number. The purported customer service agent would then provide codes that would create a “forced” transaction, essentially overriding the card-machine. This is a well-known scheme for credit/debit card fraud. With the transaction going through, ISAACS would receive her money. Banks in Montana lost over \$60,000 through this scheme, and there is additional attempted loss. Evidence at trial would have included video surveillance of ISAACS.

Assistant U.S. Attorney Eric B. Wolff prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JOHN SAMUEL JARVIS

On July 30, 2009, JOHN SAMUEL JARVIS, a 30-year-old resident of Polson, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$4,343.57

JARVIS was sentenced in connection with his guilty plea to theft of federal government money.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

From January to July 2008, JARVIS was employed by Mission Valley Auto in Polson. During this time, JARVIS fraudulently used government credit cards that he obtained from government vehicles that had been dropped off at Mission Valley Auto for service.

Although the access device is referred to here as a “credit card,” based on the common

understanding of the term, it actually serves as a claim against the United States in which the vendor is paid directly by the GSA based upon the use of the device. It is intended only for use by government employees to fuel government vehicles being used in the course of government business.

When government vehicles were turned in to Mission Valley Auto for repairs, the government credit cards were left with the keys. JARVIS took the cards and used them to purchase gas while the vehicle was being repaired and returned the cards before the vehicles left the shop. In all, JARVIS used six credit cards for a total of 72 transactions, totaling \$4,383.57.

On July 31, 2008, when interviewed, JARVIS admitted taking the cards and using them for personal gas purchases. At the conclusion of the interview, he retrieved the card he was currently using from his personal vehicle.

The investigation was conducted by the General Services Administration - Office of Inspector General.

BRANDON LEE JOHNSON

On October 29, 2009, BRANDON LEE JOHNSON, a 28-year-old resident of California, was sentenced to a term of:

- Prison: 235 days (time served)
- Special Assessment: \$100
- Supervised Release: 3 years

JOHNSON was sentenced in connection with his guilty plea to false representation of a Social Security number.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On May 15, 2007, in order to obtain a Montana driver's license, JOHNSON completed a driver's license form at the Montana Motor Vehicle Division. When completing the form, JOHNSON represented that Social Security account number ***-**-9048 was his, when in fact he knew that number was not assigned to him.

The investigation was conducted by the Social Security Administration - Office of Inspector General.

ROBERT WAYNE LULOW

On May 21, 2009, ROBERT WAYNE LULOW, a 64-year-old resident of Ronan, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$16,939.40

LULOW was sentenced in connection with his guilty plea to Social Security fraud/theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

L.D.L. began receiving Social Security retirement insurance benefit payments in September 1978, based upon her husband's earnings. When he passed away in April 2004, the benefits changed to surviving spouse's benefits.

L.D.L. passed away on November 5, 2004. The Social Security Administration was not advised of L.D.L.'s death.

As of April 3, 2007, SSA was still depositing \$607 per month into her account with Community Bank in Ronan, an account which she held jointly with her son, ROBERT LULOW.

Between December 2004 and April 2007, SSA made 29 deposits, totaling \$16,939.40, into L.D.L.'s account with Community Bank. The posthumously deposited funds in the account were expended regularly through a series of checks and telephone transactions. The final account statement, covering the period of March 20, 2007, through April 16, 2007, showed a final account balance of \$54.88.

When interviewed, LULOW initially indicated that he contacted SSA in Missoula to report the death after noticing the ongoing deposits. LULOW estimated that he made this call in February 2005. Prior to February 2005, LULOW had spent \$1,100 of the \$1,140.40 deposited by SSA. LULOW conceded that he had financial problems around the time of his mother's death due to a failed business. He stated that he regularly transferred the funds deposited into this account for his mother to his own personal account with Community Bank. He made the transfers by writing a check or by a telephonic transaction and then used the funds for his own personal expenses.

LULOW further stated that he "used and abused" his mother's money and that he "misused my mom's funds" despite the fact that he knew they should have ceased upon her death. LULOW maintained that he intended to repay SSA when he was back on his feet financially.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Social Security Administration's Office of Inspector General.

MARK JEREMY MAKI

On October 29, 2009, MARK JEREMY MAKI, a 36-year-old resident of Three Forks, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$6,499

MAKI was sentenced in connection with his guilty plea to making false statements to the Social Security Administration.

In an Offer of Proof filed by Assistant U.S. Jessica T. Fehr, the government stated it would have proved at trial the following:

In May of 1998, K.M., MAKI'S wife, and the mother of J.M., died.

On June 18, 1998, MAKI applied for SSA Surviving Child's Insurance benefits for J.M. based upon K.M.'s death. On the same date, MAKI submitted a request to be selected as the representative payee for J.M.'s benefits. Both the application for J.M.'s benefits and MAKI's application to be J.M.'s representative payee contained specific language that required SSA be notified if the beneficiary is no longer in the care of the representative payee, leaves the custody of the representative payee, or changes address. The forms also contained specific language regarding the use of the funds. All funds were to be used for the current needs of the beneficiary or saved for any future needs of the beneficiary. MAKI signed all of the required SSA documents under penalty of perjury. Based upon his submissions, J.M.'s application was approved. MAKI was also approved as the representative payee for J.M. MAKI began receiving SSA benefits on behalf of J.M. J.M.'s payments included retroactive payments dating back to June of 1998.

In September of 2004, J.M. was removed from MAKI'S care and custody following allegations of child abuse. J.M. was placed with his maternal grandparents who reside in Florida. On January 27, 2006, the grandparents obtained legal custody of J.M. The court's custody order included an order directing MAKI to change the representative payee for J.M.'s benefits. MAKI ignored the order.

J.M.'s grandparents stated that in September of 2004, MAKI sent them a check for \$1,000, approximately six months after they began caring for J.M. The grandparents never received any other money or support from MAKI for the care of J.M.

On June 11, 2007, MAKI signed and returned a Representative Payee Report to the SSA. On the form MAKI was asked to account for all of the funds he received on behalf of J.M. between September 2004 and October 2006. Despite the fact that J.M. was in the custody of his grandparents in Florida and legally in the custody of the

grandparents since January 27, 2006, MAKI claimed he used all of the funds for J.M.'s personal items. MAKI also claimed J.M. continued to live with him in Montana. The SSA based its continuation of benefits on the information contained within the Representative Payee Report submitted by MAKI.

When interviewed, MAKI admitted that J.M. had not been in his custody or care since September 2004. MAKI admitted he continued to receive J.M.'s SSA benefit payments through September 2006. MAKI admitted knowing that he had to spend all of the funds on J.M. or save the funds for J.M.'s future use. MAKI was shown the 2007 Representative Payee Report and admitted the information contained in the document was false. MAKI also admitted he knew that if he told the SSA that J.M. was living in Florida the payments would be redirected to Florida.

From October 13, 2004, until September 13, 2006, the payments to J.M. from the SSA totaled \$8,499. Less the \$1,000 payment to J.M.'s grandparents, MAKI owes J.M. and the SSA a total of \$7,499 in restitution.

The investigation was conducted by the Social Security Administration - Office of Inspector General.

SUMMER LEE MANY WHITE HORSES

On December 28, 2009, SUMMER LEE MANY WHITE HORSES, a 32-year-old resident of Browning and Great Falls, was sentenced to a term of:

- Prison: 9 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: \$3,808
- Supervised Release: 2 years

MANY WHITE HORSES was sentenced in connection with her guilty plea to Social Security fraud.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

MANY WHITE HORSES applied for Supplemental Security Income (SSI) benefits on behalf of her son on September 18, 2007. Her son was eligible for federal assistance based upon his speech and language delays. This claim was approved and MANY WHITE HORSES was selected to serve as her son's representative payee, meaning she would receive and manage her son's money for him.

As representative payee, MANY WHITE HORSES agreed to report to the Social Security Administration about any changes affecting her son's continued right to payments, including his death.

The Great Falls Police Department (GFPD) began investigating her son's disappearance when they encountered MANY WHITE HORSES on September 5, 2008. Because MANY WHITE HORSES had provided conflicting information to multiple sources, including GFPD and Montana Department of Health and Human Services (DPHHS) personnel, regarding her son's location, detectives transported her to the police station for questioning. During an interview, MANY WHITE HORSES told detectives her son had died on May 29, 2008. She stated he simply stopped breathing following an accident, and that she tried to revive him. When she realized her son was dead she became scared and placed his body in the back of her car.

Following this interview, detectives retrieved her son's badly decomposed body from the trunk of MANY WHITE HORSES' car. MANY WHITE HORSES was recently convicted of negligent homicide for the death of her son in state court.

The U.S. Treasury issued SSI checks to MANY WHITE HORSES, on her son's behalf, between June 2008 and September 2008. The checks are as follows :

<u>DATE</u>	<u>CHECK NUMBER</u>	<u>AMOUNT</u>
5/30/2008	4027 29536552	\$637.00
6/3/2008	4022 16473285	\$623.00
7/1/2008	4027 32419322	\$637.00
7/9/2008*	4026 99306053	\$637.00
8/1/2008	4027 35293084	\$637.00
8/29/2008	4027 38163593	\$637.00

* The check dated 7/9/2008 was a replacement check, issued after MANY WHITE HORSES reported to SSA that she did not receive the check dated 7/1/2008. Both of these checks were negotiated.

Investigation revealed that following her son's death, MANY WHITE HORSES received and cashed six of his SSI checks. She cashed four of the checks at E-Z Money Check Cashing in Great Falls. Employees at E-Z Money verified that MANY WHITE HORSES was indeed the individual who had cashed these checks. The two remaining checks were cashed at Wal-Mart in Great Falls. Video footage from Wal-Mart was obtained showing MANY WHITE HORSES cashing one of these checks.

The investigation was conducted by the Social Security Administration - Office of Inspector General.

WILLIAM EDWARD MARLIN

On October 22, 2009, WILLIAM EDWARD MARLIN, a 54-year-old resident of Los

Angeles, California, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$200
- Restitution: \$1,211,300
- Supervised Release: 3 years

MARLIN was sentenced in connection with his guilty plea to mail fraud and money laundering.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

MARLIN claimed to be a Hollywood businessman who had formed numerous companies that were allegedly associated with the film industry. Since 1992, MARLIN has been associated with six entertainment related companies. MARLIN started Starmax Entertainment in 2004 and solicited over a million dollars of investments for that alleged business. While running Starmax, MARLIN would use aliases when soliciting investors and funding for the business. In 2006, the California Board of Corporations issued a cease and desist order to shut the company down since investors had never been paid.

Once Starmax was issued a cease and desist order, MARLIN adopted the alias K.H. and started a new business called Children's Family Films (CFF). MARLIN knew the real K.H. and paid him \$2,500 to use his name on bank accounts and other documents. MARLIN adopted the alias in order to avoid detection by state regulators and former investors.

Once MARLIN started CFF he recruited a "boiler room" crew in order to solicit investors nationwide. This crew consisted of several individuals who would "cold call" investors and try to sell them investment shares in CFF. Once a caller appeared interested, MARLIN and other co-conspirators would promise investors that they would receive 100% of their investment back in three months and then they would in addition receive thousands of dollars per month for the next one to three years. The amount of the purported return was based on the amount of the initial investment. Investors were told that companies like Home Box Office (HBO) and Disney would purchase and play CFF movies. In turn, the companies would allegedly pay CFF for the movies and the profits would be passed on to CFF investors. In reality, CFF never had any contracts with Showtime, HBO, Disney or any other media or cable television company. CFF never received any payments from any of these companies.

In furtherance of the scheme, MARLIN also hired Tyrone Dyse to perform general administrative duties for MARLIN. MARLIN used Dyse to pick up and send mail via the United States Postal Service and Federal Express, deposit checks, deliver investment materials, cash checks and pay other boiler room co-conspirators. Dyse deposited an

estimated \$50,000 of investor monies per month into the CFF bank accounts. At MARLIN'S direction, Dyse opened a cellular phone account using an alias. The phone number was then used by MARLIN, Dyse and other co-conspirators to call CFF investors. Also at MARLIN'S direction, and using aliases, Dyse sent proceeds from CFF via Western Union wire transfers to other co-conspirators.

MARLIN also asked Dyse and other co-conspirators to vouch for the legitimacy of CFF by posing as several alleged prior investors in CFF. Using aliases, Dyse and others would be referred to interested investors to legitimize CFF's investments. Dyse and others would confirm to the interested investors that their fictitious investments in CFF had yielded double and triple returns

MARLIN'S scheme involved victims from all over the country, including Montana. E.J. resides in Bozeman, Montana and was first contacted by an unindicted co-conspirator who called on behalf of CFF. The caller stated that CFF produced "B Movies" in the children's film industry and sold them to companies such as HBO, STARZ, Showtime, Disney, and to film companies overseas. The caller asked E.J. if she would be interested in investing with CFF. E.J. was offered one "Unit" of investment in the company for \$20,000. The investment offering was described as an opportunity to buy into a "partnership" arrangement with CFF. E.J. was told that the company could guarantee a return of 5 to 1 on her initial investment of \$20,000 and the company would guarantee that she would get her initial investment of \$20,000 back in one lump sum in exactly three months time. The caller also told E.J. that she would receive payments of \$1,800 a month for 36 months following the return of her initial investment.

E.J. was then sent a subscription agreement and an investment packet via Federal Express. Prior to signing the subscription agreement, E.J. contacted the "references" provided by CFF. At MARLIN'S direction, Dyse posed as an alleged investor to convince E.J. to invest. Shortly after signing the subscription agreement, E.J. was contacted by a person claiming to be K.H., who said he was a "General Partner" for CFF. K.H. was an alias for MARLIN. K.H. made numerous claims about how E.J.'s investment would perform and the progress of current CFF films. E.J. was convinced. On April 14, 2007, E.J. sent her initial investment of \$20,000 via Federal Express from her home in Bozeman, Montana to an address in Hollywood, California used as a mailing address by CFF. E.J. subsequently facilitated investments in CFF for numerous family and friends in Montana. Altogether E.J. and her friends and family invested approximately \$160,000 with CFF.

After CFF failed to produce any returns for E.J. and the other Montana investors, she tried repeatedly to contact CFF and K.H. Dyse, using an alias, spoke to E.J. several times in an attempt to placate her concerns about the lack of a return on the investments she and her family and friends had made with CFF. Neither E.J. nor any Montana investor received any money back.

Investors' money was used to further the scheme and pay for the personal expenses of

MARLIN, Dyse and the other co-conspirators. The bank records for CFF indicate that regular checks were issued and drawn off of the CFF bank account payable to MARLIN – including check number 1417 which was issued on April 19, 2007. Along with the checks, regular transfers were also seen between the CFF account and accounts held by MARLIN. All told, CFF received approximately \$1,754,203.44 in illegitimate funds from 2006 to 2008.

CFF never produced a film, product, video or any other media and no investor ever received a return on their investment.

Dyse pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorneys Ryan M. Archer and Jessica T. Fehr prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

MARY LYNN MILLS

On June 4, 2009, MARY LYNN MILLS, a 58-year-old resident of Helena, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$9,025

MILLS was sentenced in connection with her guilty plea to theft of federal government monies/conversion of social security benefits.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

MILLS' son, J.H., applied for Supplemental Security Income (SSI) payments in June of 1987, based upon his mental disability. Because J.H. was unable to manage his own money, the Social Security Administration (SSA) selected a representative payee to assist him.

In November 2004, J.H. applied for disability insurance benefits, again based upon his mental disability. SSA approved the application and awarded disability insurance benefits dating back to November of 2003. J.H.'s eligibility for disability insurance benefits decreased his monthly SSI payment, but through May 2008, J.H. continued receiving both monthly payments from SSA.

Between November 3, 2006, and May 2, 2008, SSA paid MILLS (as J.H.'s designee),

\$9,165, for J.H.'s disability insurance and SSI benefits. MILLS indicated that she'd spent all but \$217 of the money she received on behalf of J.H. for his food, housing, and other needs.

J.H.'s father, M.H., was interviewed. M.H. indicated that J.H. had lived with him since 2006. M.H. never received any financial support from MILLS for J.H. M.H. said he had questioned MILLS about her misusing J.H.'s benefits, but MILLS ignored him.

J.H. was interviewed. He remembers MILLS giving him cash on two occasions: \$60 in February of 2008, and \$80 in April of 2008.

MILLS was re-interviewed and admitted she converted J.H.'s benefits and disability insurance monies for her own use. MILLS admitted she knew she was not entitled to the funds, but stated that she needed the money to survive.

The amount totaled \$9,025.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the Social Security Administration.

**FRANK MIRANDA and VALERIE PENA
(MIRANDA & PENA)**

On May 14, 2009, FRANK MIRANDA, age 46, and VALERIE PENA, age 39, residents of Cedar City, Utah, were sentenced.

MIRANDA was sentenced to a term of:

- Prison: 55 months
- Special Assessment: \$100
- Restitution: \$23,753.82
- Supervised Release: 3 years

PENA was sentenced to a term of:

- Supervised Release: 2½ years
- Special Assessment: \$100
- Restitution: \$23,753.82

They were sentenced in connection with their guilty pleas to conspiracy to commit access device fraud.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

In May of 2007, MIRANDA and PENA came to the attention of the Billings Police Department after a victim of fraudulent card use (R.A. of Santa Ana, CA) contacted authorities about the use of his card at Fuddruckers in Billings. When questioned by the officers, Fuddruckers staff said that they could identify the users. When the users returned to Fuddruckers to pick up an order that they had placed with a stolen credit card, police were contacted and MIRANDA and PENA were arrested.

They were interviewed separately at the police department. Prior to being interviewed, MIRANDA said to PENA, "You know what to do. Call Reuben." That appeared to have been a signal to explain the use of the credit card in relation to a fictitious story about R.T., purportedly a business partner of MIRANDA and PENA'S. Separately, they each said that they were using a credit card number they had received through Northwest Chinking for business. They did not know who R.A. was. They said they were to be the new CEO and business manager of Northwest Chinking and that R.T. was a partner handing the business over to MIRANDA. MIRANDA even claimed to have power of attorney for R.T. because of a car accident that injured R.T. severely. Testimony at a trial would have shown that the explanation for the use of R.A.'s card was not true.

Police obtained a warrant and searched the couples' hotel room, vehicle, U-Haul, and PENA'S purse. They found numerous credit card receipts, merchandise bought with stolen credit numbers, and related personal information.

Police checked the credit card numbers and contacted victims. A common link among some of the users was that they were Verizon Wireless customers. PENA formerly worked at Convergys in Utah, which is a call center for Verizon Wireless customers. A Secret Service agent confirmed with an investigator at Convergys that PENA had personally handled credit card information with respect to four of the victims of MIRANDA and PENA's spending spree with stolen credit card numbers – D.T., S.B., B.R., and A.F. For his part, victim R.A. reported that he is a cell service customer of Cingular, and Cingular also has calls processed through Convergys. All of the victims would have testified that MIRANDA and PENA'S possession and use of their credit cards was unauthorized.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Billings Police Department and the United States Secret Service.

MITCHAEAL MORGAN

On December 16, 2009, MITCHAEAL MORGAN, a 42-year-old resident of Billings, was sentenced to a term of:

- Prison: 3 months
- Special Assessment: \$100
- Restitution: \$2,000
- Supervised Release: 3 years

MORGAN was sentenced in connection with his guilty plea to making false claims.

In an Offer of Proof filed by Assistant U.S. Attorney Jessica T. Fehr, the government stated it would have proved at trial the following:

MORGAN was an employee of Rimrock Auto Group in Billings. In the summer of 2005, Rimrock sent a number of employees, including MORGAN, to their sister dealership in New Orleans, Louisiana, in an effort to aid the financially failing business. MORGAN traveled to the New Orleans dealership prior to Hurricane Katrina. Several other employees temporarily resided in New Orleans while working at the dealership. MORGAN and other employees resided at the Quality Inn Extended Stay Motel in New Orleans. MORGAN was in New Orleans for approximately 30 days. MORGAN and at least one other Rimrock employee left New Orleans just prior to Hurricane Katrina making landfall and traveled back to Billings. MORGAN continued his employment with Rimrock after returning to Billings.

Following Hurricane Katrina's landfall in the southern United States, the Federal Emergency Management Agency (FEMA) began accepting claims from residents of the affected areas. Only permanent residents of the disaster areas were authorized to receive disaster payments. Residents contacted FEMA via a toll free number and answered a series of questions to determine their eligibility for FEMA benefits. Residents were asked for the address of the property damaged by the hurricane, whether the address listed was the applicant's permanent address, the type of residence, whether the residence was owned or rented and where the applicant was currently residing. Residents were asked if they had suffered damage to their motor vehicle, home and/or personal property. Residents were also asked if they had disaster-related essential needs for food, clothing or shelter.

On September 13, 2005, MORGAN telephoned the FEMA hotline and submitted a FEMA form 90-69, an application for emergency funds, due to his alleged displacement as a result of Hurricane Katrina. MORGAN gave the New Orleans dealership address as his residential address, claimed that the address was his primary residence, that it was an apartment, that his apartment was damaged as a result of the hurricane, that his vehicle was damaged, that he had disaster-related needs for food, clothing or shelter, that he or his family members had lost work as a result of the disaster, and that he was self-employed.

MORGAN was not a permanent resident of New Orleans. MORGAN did not own, lease or rent any real property in New Orleans. MORGAN did not have immediate needs for food, clothing or shelter as a result of the hurricane. MORGAN was still employed by

the Rimrock Auto Group – he was not self employed as he claimed on the FEMA form.

On September 13, 2005, based on MORGAN'S statements and representations to FEMA, a Treasury check was issued to MORGAN for \$2,000. The check was mailed to his primary residence in Billings and deposited at the Valley Federal Credit Union in Billings in October of 2005.

On November 16, 2007, a Secret Service Agent interviewed MORGAN at his place of employment. When asked about the FEMA form, MORGAN responded that he had lost approximately \$20,000 worth of clothing and personal items in the disaster. MORGAN informed the agent that because he had suffered loss, that "someone" owed him money and he knew the government had money to disperse. By the conclusion of the interview MORGAN stated that he understood he was not entitled to the funds.

FEMA would not have provided disaster related benefits to MORGAN but for his false statements.

The investigation was a cooperative effort between the U.S. Secret Service and the Department of Homeland Security - Office of Inspector General.

SALLY ANN NUTTING

On June 16, 2009, SALLY ANN NUTTING, a 30-year-old resident of Billings, was sentenced to a term of:

- Prison: 1 day (time served)
- Special Assessment: \$100
- Restitution: \$35,500 (already paid)
- Community Service: 25 hours
- Supervised Release: 3 years

NUTTING was sentenced in connection with her guilty plea to embezzlement from a bank.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between approximately May 1999 and March 14, 2008, NUTTING was employed as a Customer Services Specialist by Western Security Bank in Billings. NUTTING'S duties included assisting customers with deposits and check cashing.

From approximately October 5, 2007, and continuing until March 12, 2008, NUTTING embezzled moneys, funds, or credits from the bank by taking cash from her teller drawer, pocketing the cash, and removing the cash from the bank. NUTTING covered up the thefts, which appeared as shortfalls to her teller drawer balance, by improperly

preparing daily “cash-out tickets,” which document cash leaving the bank on a daily basis. A “cash-out ticket” could be deleted when a teller needed to correct a mistake. For each amount of cash NUTTING took on any given day, her cash-out ticket included the amount she stole from her teller drawer that day.

To avoid detection, NUTTING prepared a false daily cash-out ticket at 4:01 p.m., which is the beginning of the bank’s accounting day. NUTTING then deleted each daily cash-out ticket at 3:59 p.m. the next day, which is the end of the bank’s account day. The improperly prepared cash-out tickets ranged from \$4,000 on October 5, 2007, to approximately \$35,500 on March 12, 2008.

The shortfalls accumulated, making it necessary for NUTTING to account for the total shortfall each time she stole additional cash. By March 12, 2008, the shortfall totaled approximately \$36,000.

On March 11, 2008, NUTTING covered the final cumulative shortfall total of \$36,000 by removing \$36,000 from an ATM canister in the bank vault, putting the cash into her teller drawer, and indicating in transaction records she had sold this cash back to the vault. This action balanced her till, thereby disguising the total shortfall of \$36,000.

Also on March 11, 2008, a teller supervisor noticed during a surprise cash count that NUTTING had a large cash-out transaction for approximately \$35,000. After questioning NUTTING about this large cash-out ticket, NUTTING explained that a bank customer called in a “change-order” for \$35,500 cash and picked up the cash through the drive-up teller window after 4:00 p.m. NUTTING said she had set the cash aside for the transaction.

On March 12, 2008, a customer service manager, a branch manger, and the teller supervisor met with NUTTING at the bank. After being asked why a Cash Transaction Report had not been completed for the last cash-out transaction on March 11, 2008, NUTTING changed her story. NUTTING then said that on March 11, 2008, the same customer had brought approximately \$35,500 cash to the bank and exchanged it for the \$35,500 cash in different denominations.

On March 17, 2008, the bank’s internal auditors visited the bank and counted the cash in the vault, finding it short by \$36,000. Another bank teller told the internal auditors to look in the ATM canister in the vault. She said NUTTING and a vault teller at the bank, filled the ATM canister with \$36,000 on March 12, 2008. After opening the ATM canister, the auditors observed the canister was empty. The auditors confirmed that NUTTING and the vault teller placed the \$36,000 in cash inside the ATM canister during the morning of March 12, 2008, and placed the canister in the vault. Next, the auditors reviewed the surveillance tape of the ATM canister. The tape showed NUTTING later taking this ATM canister out of the vault, placing it on her back teller counter, and removing the cash in two handfuls. After removing the cash, NUTTING placed the cash in an empty third drawer near the vault safe. The surveillance tape

showed NUTTING later moved the cash in two handfuls into her teller drawer. In an effort to cover up the theft, NUTTING placed the ATM canister seal, which was loose, onto the ATM canister. NUTTING also took the cash she obtained from the ATM canister and strapped it into cash bundles. She did this to conform the loose cash with the other cash she would later sell to the vault. NUTTING closed the vault door and returned the ATM vault key to its proper position. The auditors noted that NUTTING appeared to have waited purposely to remove the cash from the ATM canister and hide it in her teller drawer until the teller area was mostly clear, except for one remaining teller who was busy assisting bank customers.

In order to perpetuate the fraud, NUTTING needed to be in the bank each business day since October 5, 2007, so as to prepare each improper daily cash-out ticket and make the related deletion. Even though NUTTING'S daughter was ill at one time, NUTTING refused to take time off to take care of her daughter.

When questioned by law enforcement, NUTTING admitted the theft of \$36,000 from the bank. She said she took money when she needed it and used the money to pay bills. She also admitted she had lied to the bank about what she did with the final shortfall of \$36,000 in order to cover up the thefts. NUTTING further admitted covering the final shortfall of \$36,000 by taking cash from the ATM canister, placing it in her till, and then "selling" it to the vault.

Special Assistant U.S. Attorney Margaret R. Gallagher prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MARY EUDORA RAY

On December 18, 2009, MARY EUDORA RAY, a 37-year-old resident of Lolo, was sentenced on the charge of theft of federal government funds.

RAY was sentenced to a term of:

- Home Arrest: 9 months
- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$120,370

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

RAY applied for Disabled Adult Child (DAC) Social Security benefits based upon the death of her deceased step-father in February of 1994. She was approved for benefits and began receiving DAC payments on August 3, 1994.

In September of 1994, she received a large retroactive payment dating back to December of 1992, her date of entitlement for DAC payments. RAY claimed a disability based upon one or more mood disorders.

RAY had married R.L. in Davidson County (Nashville), Tennessee on March 29, 1991. That marriage was annulled in November 1992. Her application for DAC benefits came in November 1994 and was retroactive to December 1992, after the annulment. Because RAY'S marriage to R.L. occurred before she began receiving DAC benefits, it did not affect her eligibility for the program.

However, RAY subsequently married J.B. on August 2, 1997, in Will County (Joliet), Illinois. That marriage, in August 1997, ended her eligibility for DAC benefits. DAC benefits from SSA would have been completely discontinued had the marriage been revealed to the agency. J.B. and RAY later divorced.

On October 9, 2004, RAY married M.S. This marriage is also recorded in Joliet, Illinois. Immediately after the marriage, M.S. and RAY lived with his parents in Joliet. They moved to Hamilton in July of 2005 and then to Lolo in approximately May of 2006.

On April 6, 2009, a search of SSA electronic files for any statements submitted by RAY regarding her marital status revealed only one form. On the form, RAY failed to report her marriage to M.S., despite specific questions regarding her marital status.

M.S. and RAY have joint bank accounts and have combined their income to pay monthly household bills. RAY has used the name Mary Schram.

RAY was interviewed and admitted to both of her disqualifying marriages, that she was aware of her obligation to reveal them to SSA, and that she intentionally failed to do so.

As a result of her concealment and misrepresentations as to household composition and legal relationship, SSA paid RAY \$99,842 in federal benefits for which she was not eligible or otherwise entitled.

The couple has also received Supplemental Security Income (SSI) for RAY'S daughter from her first marriage. RAY served as her daughter's payee for the SSI payments. RAY'S marriage would have also disqualified her daughter as an eligible recipient under the SSA program in which her daughter participated. During the investigation it was determined that RAY had also not been truthful in the application process for her daughter's SSI benefits, in that, RAY made false statements concerning the makeup of the household and living arrangements. RAY acknowledged in an interview that this was intentional so that a larger benefit payment would be approved.

As a consequence of RAY'S concealment, her daughter received – with RAY as representative payee – \$20,528 in SSA benefits which she would not have been eligible for, or received, had the truth of the family's composition been disclosed.

The total loss to the Social Security system attributable to RAY'S fraudulent scheme was \$120,370.

The investigation was conducted by the Social Security Administration - Office of Inspector General.

BRENDA KAY RUTECKI

On April 15, 2009, BRENDA KAY RUTECKI, a 44-year-old resident of Lincoln, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$885

RUTECKI was sentenced in connection with her guilty plea to theft of federal government monies and forgery of U.S. Treasury checks.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

A Social Security beneficiary, identified here as P.M., passed away on April 15, 2006. Because the Social Security Administration (SSA) was not advised of the death, it continued to send monthly payments to P.M.'s last known address in Lincoln. Between May 2006 and April 2007, SSA issued 12 checks to P.M. at her address in Lincoln. Of these posthumously issued checks, four were negotiated, and eight merely expired for lack of transaction, for a total loss of \$3,540.

RUTECKI was interviewed by an agent of the Social Security Administration's Office of Inspector General and a U.S. Postal Inspector. She reviewed the checks and admitted that she had retrieved the checks from the mail, signed P.M.'s name, and negotiated the SSA checks after P.M.'s death by forging P.M.'s signature. P.S., whose name appears on one of the checks, was her former boyfriend. RUTECKI said she had told P.S. that P.M. was sick and could not cash the checks. P.S. then took the checks to his bank and deposited them before withdrawing money and giving the cash to RUTECKI. RUTECKI said she knew it was wrong to cash the checks and to forge P.M.'s name, but she said she needed the money.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the Social Security Administration.

MARK SAMS

On January 9, 2009, MARK SAMS, a 50-year-old resident of Seattle, Washington, was sentenced to a term of:

- Prison: 42 months
- Special Assessment: \$200
- Restitution: \$61,093.76
- Supervised Release: 3 years

SAMS was sentenced in connection with his guilty plea to access devise fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In April of 2007, SAMS convinced persons in the Whitefish area that he was N.H., the son of singer Merle Haggard. SAMS, holding himself out as N.H., claimed that he had been a Lear Jet pilot for 20 years and that he had worked for Clay Lacy Aviation. He claimed to have quit flying due to health problems. He told his new acquaintances in Whitefish that he needed to go to Mexico to check out an opportunity to manage a small resort near Puerto Vallarta. He said he had assisted Clay Lacy Aviation in selling jets and had a six-figure credit with the company. He wanted to treat his new friends to a trip and planned an itinerary.

On April 29, 2007, SAMS and persons from the Whitefish area met at the Glacier International Airport in Kalispell and began a trip on a chartered Clay Lacy jet that took them to Prescott, Arizona, then to Las Vegas, Nevada, then to Los Cabos, Mexico, to Puerto Vallarta, Mexico, to San Diego, California, then to Seattle, Washington, again to Prescott, Arizona, and then back to Kalispell, Montana.

SAMS used the American Express Credit Card account number of an individual from Whitefish to pay for the trip. The American Express Credit Card account number used to obtain the charter flight services was **** *1001.

On April 29, 2007, Clay Lacy Aviation informed SAMS that the credit card number he had initially used to pre-authorize the trip had been rejected. SAMS made various excuses for the problem before finally providing American Express Credit Card account number **** *1001 to Clay Lacy Aviation in Seattle, Washington. This number was relied upon for pre-authorization purposes and was the number of the account which was charged for the charter flight services.

The amount fraudulently charged to the individual's American Express account for the charter flight services was \$61,093.76.

The individual whose American Express Credit Card account number was used to purchase the charter flight services did not give SAMS permission to use his account number.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

LESLIE SUSAN STEHR

On October 29, LESLIE SUSAN STEHR, a 45-year-old resident of Missoula, was sentenced to a term of:

- Prison: 44 months
- Special Assessment: \$200
- Restitution: \$1,015,374.70
- Supervised Release: 5 years

STEHR was sentenced in connection with her guilty plea to embezzlement by a bank employee and income tax evasion.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

STEHR began working at First National Bank of Montana in February of 1999. She began embezzling money from the bank in November of 1999. STEHR'S position as teller supervisor and vault supervisor enabled her to manipulate the bank's records and reconcile the numbers in the General Ledger with the vault numbers.

First National Bank conducted surprise vault counts on a regular basis, but did not find out about STEHR'S embezzlement because she adjusted the cash count every day to make sure the cash in the vault matched the number in the General Ledger. In order to accomplish accurate daily adjustments, STEHR maintained a running total of the amount of stolen funds. From 1999 through 2008, STEHR stole approximately \$803,000 in cash.

During the entire period that STEHR embezzled from First National Bank, she failed to report the stolen funds as income and failed to pay federal income taxes on those amounts. STEHR'S 2007 federal income tax return, filed in 2008, listed taxable income of \$23,681 and tax due and owing in the amount of \$3,160. Had STEHR included the embezzled funds from 2007 on her return, her taxable income would have been \$184,948 and her tax due and owing would have been \$50,835.

When interviewed by law enforcement on February 1, 2008, STEHR admitted stealing money from First National Bank at both the Brooks and Higgins Street branches. She

said she initially took money from her teller window, but when those amounts were too high to go unnoticed she wrote false transfer tickets indicating that she transferred money into the vault when she had not. STEHR said she stole \$466,000 from the Brooks Street branch and \$336,000 from the Higgins Street branch. She spent the money shopping, paying bills, buying lavish gifts for herself and her friends, and traveling.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Internal Revenue Service - Criminal Investigation Division, and the Missoula Police Department.

ROBERT JEAN STOLTZ, JR.

On May 6, 2009, ROBERT JEAN STOLTZ, JR., a resident of Billings, was sentenced to a term of:

- Prison: 13 months
- Special Assessment: \$100
- Restitution: \$52,543.60
- Supervised Release: 5 years

STOLTZ was sentenced in connection with his guilty plea to making false statements to a bank.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

STOLTZ is the Chief Executive and President of Chief Construction Specialties Inc., which is a local contracting and construction business in Billings. In March 2005, STOLTZ moved his business banking to accounts at First Interstate Bank (FIB) in Billings. His two main accounts at FIB consisted of a checking account and a \$1.5 million line of credit. However, the checking account did not typically carry a positive balance, and checks written off this account were automatically attributed to his line of credit. STOLTZ also had various other equipment and real estate loans with FIB.

By November of 2006, STOLTZ'S line of credit was almost maxed out and his debt hovered around \$1,441,986. STOLTZ'S loan grading had been reduced due to poor performance and payment was due in November of 2006. Consequently, STOLTZ entered into meetings with an FIB senior loan officer and other FIB executives to discuss the status of his line of credit.

In one such meeting on November 9, 2006, STOLTZ informed FIB that he netted roughly \$3 million from a gravel sale in the Bozeman area. Although this was not reflected on his August 30, 2006 balance sheet, STOLTZ informed FIB that the sale had gone through and he was currently being advised of the tax consequences which

would determine how much he could pay FIB. He indicated he could inject about \$2.5 million into the company. STOLTZ also stated that a second gravel sale to Fisher Construction should net him an additional \$2 million which may be pushed out into 2007 for tax purposes.

Based on these representations, on November 9, 2006, the senior loan officer pushed back the maturity date on the line of credit to December 1, 2006, and recommended approving a renewal of the line of credit based on STOLTZ'S representation that there would be a cash infusion into the company. Ultimately, STOLTZ and FIB negotiated for him to provide a check to FIB on November 17, 2006, prior to the Thanksgiving holiday. STOLTZ'S representative dropped off a check written for \$2.3 million to FIB after the close of business on November 17, 2006. FIB then cashed this check the following Monday, November 20, 2006. In the meantime, STOLTZ had drawn up and sent out checks in excess of \$620,000 that payees attempted to deposit in the week following the check deposit. Of this amount, \$52,543.61 was paid by FIB as of November 22, 2006.

On November 22, 2006, the President of First Citizens Bank, which held STOLTZ'S R bar S Livestock account on which the \$2.3 million check was drawn, contacted FIB to inform them that there were insufficient funds in the R bar S account to cover the check. As records subsequently revealed, at the time the \$2.3 million check was written, there was only \$8,963.46 in the account.

Once informed that STOLTZ had insufficient funds to cover the check, FIB shut payments down. STOLTZ subsequently informed FIB on November 29, 2006, that the \$3 million gravel deal was closed on November 3, but there was an error in his office and the funds were not deposited. Later, in December of 2006, STOLTZ informed FIB that funds had arrived in his First Citizens account from a Canadian cashier's check and there was a five day hold on this check. Records confirm that there was never any such transfer and that STOLTZ'S R bar S account never held anywhere close to \$2.3 million.

Further investigation revealed that STOLTZ never had a \$2 million contract with Fisher, and actually owed them approximately \$90,000. While Fisher had contemplated a deal with STOLTZ for the purchase of gravel he had an interest in from the Bozeman/Belgrade area, royalties would be no greater than \$50,000 - \$100,000. Additionally, with regard to his alleged \$3 million gravel sale in the Bozeman area, STOLTZ had no ownership interest in the mine and had only entered into negotiations for a gravel mining and subdivision development project with land owners at that location. Nothing was ever finalized and STOLTZ had not closed any \$3 million deals.

In sum, STOLTZ repeatedly informed FIB that he had closed a \$3 million gravel deal and funds from this deal would be available on November 20, 2006. But STOLTZ never owned a gravel mine, and never owned any interest in gravel that even approached \$3 million or \$2.3 million when he delivered a check for that amount to FIB.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

ELVEN J. SWISHER

On January 5, 2009, ELVEN J. SWISHER, a 71-year-old resident of Cottonwood, Idaho, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$325
- Restitution: to be determined
- Supervised Release: 3 years

SWISHER was sentenced after having been found guilty after a 4-day trial of one count of wearing unauthorized military medals, one count of presenting false statements to the Department of Veterans Affairs, one count of presenting false documents to the Department of Veterans Affairs, and one count of theft of government funds.

Special Attorney to the U.S. Attorney General Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the U.S. Department of Veterans Affairs, Office of Inspector General.

LARRY B. SUCHY

On May 28, 2009, LARRY B. SUCHY, a resident of North Dakota, was sentenced to a term of:

- Prison: 20 months
- Special Assessment: \$500
- Restitution: \$106,640.67
- Supervised Release: 3 years

SUCHY was sentenced in connection with his guilty plea to 5 counts of wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

SUCHY went into new communities and claimed to be a provider of different goods and services (wireless networking, solar and wind power systems). After he had convinced people to buy his services and obtained down-payments, SUCHY would leave town and never be heard from again, spending the money as his own. He moved from North

Dakota to Montana then to South Dakota before he was caught. SUCHY was convicted and sentenced in regards to part of his scheming in North Dakota and is presently subject to a sentence of imprisonment imposed by a North Dakota state court in Fargo.

The purported businesses SUCHY held out to the public were Ablaze Technologies (wireless networking) and various entities tied to wind and solar power: Solar Breeze Energy LLC, Sun Breez Energy LLC, and he also claimed to be a distributor for Mag-Wind Company LLC.

An individual from the Sidney Health Center would have testified that between August 2004 and June 2005, SUCHY had agreed to provide and install wireless networking. There was a contract and the Sidney Health Center pre-paid \$9,836.55. SUCHY took the money and did not provide the services.

Several individuals from Fallon County would have testified that from January 2006 to October 2006, SUCHY appeared in Baker and purported to be a supplier of wind and solar energy systems. Based on SUCHY'S misrepresentations that he could provide those systems, the Baker Public Schools engaged in negotiations with SUCHY. By way of interstate wires, SUCHY sought a pre-payment from the Baker Public Schools.

During that same time period, SUCHY successfully obtained prepayments on wind systems from individuals in Baker who paid by personal check. SUCHY took the money, spent it as his own, and provided nothing.

Other individuals would have testified that they prepaid SUCHY for purported energy systems. Those prepayments were sent by interstate wire to SUCHY'S bank account in Miles City. SUCHY took the money, spent it as his own, and provided nothing.

A review of SUCHY'S bank records revealed that he spent the "prepayments" on himself and not for any energy systems or wireless networking.

SUCHY was also investigated by the North Dakota Attorney General's Office in early 2006, at which time he then moved his scheme to Baker to avoid detection by relocating.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BRETT TATE and JANE TATE

On March 27, 2009, BRETT TATE, age 44, and JANE TATE, age 42, residents of Wise River, were sentenced.

BRETT TATE was sentenced to a term of:

- Community Confinement: 30 days
- Special Assessment: \$100
- Probation: 3 years

JANE TATE was sentenced to a term of:

- Prison: 30 days
- Special Assessment: \$200
- Restitution: \$13,797.31
- Supervised Release: 5 years

BRETT TATE was sentenced in connection with his guilty plea to wire fraud and JANE TATE was sentenced in connection with her guilty plea to two counts of bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 26, 2007, BRETT TATE obtained a loan financed thru General Motors Acceptance Corporation (GMAC) for approximately \$40,000 for the purpose of purchasing a 2007 Chevrolet pick-up truck. As part of his loan application process at Ressler Motors, BRETT TATE provided two unverifiable pay statements from "Titus Holdings, Ltd" that indicated he made \$16,500 for each two week time period, with federal, state, and social security taxes withheld. On the GMAC application, BRETT TATE indicated that he made \$396,000 in gross annual salary from his listed employer "Titus Holdings" and had been employed with the company for 14 years, five months. FBI investigation determined these statements to be materially false.

On March 24, 2004, JANE TATE went into the Parkside Federal Credit Union in Whitefish and obtained a loan for \$25,375 for the purpose of purchasing a 2001 Volvo S80 automobile from the Good Car Company in Columbia Falls. On the application, JANE TATE listed her assigned social security number as XXX-XX-2098. She listed her employer as "Titus Holdings, Ltd" with a job title of "Operations Manager" starting in January, 1993. As part of her loan application package, JANE TATE also provided an unverifiable pay statement from "Titus Holdings, Inc." that indicated she made \$2,600 in gross salary for the two week time period; with federal, state, and social security taxes withheld. The pay statement indicated that JANE TATE had made \$13,000 "year-to-date" in 2004. JANE TATE also provided fraudulent credit references from the City of Whitefish, Flathead Electric Cooperative, and Bresnan Communications. These documents were all found to be false and fabricated. Approximately six months after making the loan to TATE, the Bank repossessed the vehicle for lack of payments at a loss of \$13,800.

On March 25, 2004, JANE TATE went into the Valley Bank in Kalispell and obtained a loan for \$21,987 for the purpose of purchasing another 2001 Volvo S80 automobile. On the loan application, JANE TATE indicated that she made \$5,000 in gross monthly

salary from her listed employer "Titus Holdings, Ltd" and had been employed with the company for ten years. As part of her loan application, JANE TATE provided Valley Bank with fraudulent credit references from the City of Whitefish, Flathead Electric Cooperative, and Bresnan Communications. These documents were all found to be false and fabricated. Additionally, on the application, JANE TATE listed her assigned social security number as XXX-XX-2098. When confronted by the bank loan officer regarding her inability to locate a credit history for Jane Tate with the social security number she provided, JANE TATE verbally advised the loan officer that she "always pays cash" for living expenses, uses money she receives from a trust fund, and was attempting to build her credit history with the vehicle loan. Approximately six months after making the loan, Valley Bank repossessed the vehicle for lack of payments and sold the vehicle at a loss to the bank of \$4,900. At the time of this crime, Valley Bank was a federally insured financial institution.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BRANDEE LYNN TUCKER

On April 9, 2009, BRANDEE LYNN TUCKER, a 35-year-old resident of Helena, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$6,937
- Supervised Release: 3 years

TUCKER was sentenced in connection with her guilty plea to theft of federal property by fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 26, 2005, TUCKER, then known as Brandee Lynn Olson, completed an application for assistance on which she indicated that she resided with her three children and no one else in Helena. She certified that the information was true.

On August 1, 2005, TUCKER had her in-person interview with a Social Services specialist with the Montana Department of Public Health and Human Services (MDPHHS) and signed a form in which she acknowledged that she understood the requirement to report to MDPHHS when her gross monthly income (GMI) exceeded the standard for her household of four (\$2,043), a threshold past which her benefits would be reduced or eliminated. TUCKER advised that her household consisted of herself and her three children and that her bills were paid by her estranged husband.

On January 2, 2006, TUCKER signed a six-month report that indicated there were no changes to the number of persons living in her household, and she wrote, "Same," under household income.

On July 31, 2006, TUCKER signed a recertification stating that she was the only one in the household receiving wages from the Veterans Administration (VA).

On August 9, 2006, TUCKER was telephonically interviewed. TUCKER said she was separated from her husband, that he resided in Colorado, and she did not pay rent because she was living with her brother. On August 18, 2006, TUCKER signed a form which again advised her of the reporting requirement to MDPHHS if her household GMI exceeded \$2,097.

On January 29, 2007, MDPHHS received TUCKER'S six-month report. TUCKER wrote that she resided with her three children and her household gross monthly income was \$700.

On June 19, 2007, TUCKER signed a recertification indicating that she resided only with her three children and that she was employed at the VA working 38 hours per two week period, at \$9 per hour.

On July 13, 2007, TUCKER, in a personal interview, reiterated that she was separated from her husband who lived in Colorado. She also signed a form which again advised her of the reporting requirement to MDPHHS if her household GMI exceeded \$2,167.

On July 24, 2007, MDPHHS received a rental agreement dated April 1, 2007, that stated TUCKER was paying \$350 a month in rent to her brother.

On August 27, 2007, MDPHHS received wage verification for TUCKER'S employment at the VA that indicated that TUCKER'S rate of pay was \$10 per hour and she worked 15 hours per pay period. As it appeared that the wage verification had been altered, the VA Human Resources was contacted for verification. The VA indicated that TUCKER was employed 40 hours a week at \$10 per hour.

On September 18, 2007, TUCKER'S case was referred to MDPHHS Program Compliance Bureau for investigation.

On October 1, 2007, MDPHHS sent a certified letter with return receipt to TUCKER. The letter advised TUCKER that she was being investigated for an intentional program violation.

On October 2, 2007, TUCKER'S then husband, J.O., signed for the letter. TUCKER'S husband, it was later determined, had been employed as a full time employee earning approximately \$18.65 per hour. J.O. disclosed that he had married TUCKER on July 12, 2003, in Helena. TUCKER, her three children, J.O., and his son, had all resided

together since that time. J.O. never lived in Colorado during their marriage. They resided together until they separated in October 2007. J.O.'s brother was never their landlord. J.O. had worked full time since August 17, 2005, and earned \$18.65 per hour.

A supervisor at the VA was shown the wage verification TUCKER had submitted which purportedly had been signed by her supervisor. The VA advised that the person identified had never been TUCKER'S supervisor, and the information on the income verification form was incorrect. The VA employee named never signed any document for TUCKER.

A computation of TUCKER'S true wages and J.O.'s contribution to household income (his wages) indicate that TUCKER was not eligible for USDA food stamps based on her household income which exceeded her GMI. TUCKER received \$10,479 in food stamps between October 2005 and January 2008, which she was not entitled to receive.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General for the U.S. Department of Agriculture.

LARY SUDCHILD VONGSAVANH

On June 25, 2009, LARY SUDCHILD VONGSAVANH, a 35-year-old resident of Cotati, California and Lander, Wyoming, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Restitution: \$38.71

VONGSAVANH was sentenced in connection with his guilty plea to theft of mail and contents by a postal employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the fall of 2007, VONGSAVANH was hired as the Postmaster Relief at the Zortman Post Office. The Postmaster Relief acts as a substitute awaiting the appointment of a permanent Postmaster.

In August of 2008, a complaint was made that VONGSAVANH was opening packages from the VA Hospital at Fort Harrison. In this instance, the complainant believed that VONGSAVANH was stealing morphine from mail addressed to her husband and also from packages containing morphine addressed to another Zortman area veteran.

The U.S. Postal Inspection Service prepared a "test" package to verify the allegations. The test package, which indicated a return address of the VA Medical Center at Fort Harrison, was delivered to the Zortman Post Office through the regular mail delivery system.

Soon after delivery, two agents entered the Zortman facility and determined that the package had been tampered with. VONGSAVANH was confronted and admitted that he had opened the package, determined its contents, and set it aside with the intention of taking the package out of the Post Office at the end of his work day.

VONGSAVANH also admitted that he had opened other packages looking for prescription pain medications and had, on several occasions, either stolen mail containing morphine or opened the mail and removed the contents.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the U.S. Postal Service - Office of Inspector General.

CINDY NAGEL WILDIN

On September 9, 2009, CINDY NAGEL WILDIN, a 51-year-old resident of Billings, was sentenced to a term of:

- Prison: 1 day (with 1 day credit)
- Community Confinement: 6 months
- Special Assessment: \$100
- Restitution: \$74,750
- Supervised Release: 5 years

WILDIN was sentenced in connection with her guilty plea to wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From March 1, 2005, and continuing until February 16, 2007, WILDIN was employed as a title clerk for Rimrock Chrysler Jeep in Billings. During her employment, WILDIN was responsible for receiving payments from customers and entering those payments into the company's electronic books and records. WILDIN received payments from customers in the form of cash, checks and money orders.

As part of its bookkeeping process, Rimrock Chrysler Jeep utilized an electronic server housed in Utah. All payments from customers were to be entered into the computer system in Billings by WILDIN and transmitted by wire to the server in Utah.

During her employment, WILDIN took cash received by the dealership from customers for her own use. WILDIN concealed the missing cash through false entries into the company's books and records. Specifically, WILDIN falsely credited the wrong accounts in the computer bookkeeping system in an attempt to conceal the missing cash payments.

On February 16, 2007, as part of her scheme, WILDIN transmitted a wire communication regarding the posting of \$211,521.59 in cash or checks received by Rimrock Chrysler Jeep from Billings to the computer server in Utah.

WILDIN stole \$66,300 in customer payments during the course of her employment.

Special Assistant U.S. Attorney Margaret R. Gallagher prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

CHAD ALLEN WILSON

On August 21, 2009, CHAD ALLEN WILSON, a 28-year-old resident of Billings, was sentenced to a term of:

- Prison: 24 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: to be determined
- Supervised Release: 3 years

WILSON was sentenced in connection with his guilty plea to credit card fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In February of 2006, WILSON was paroled from Montana State Prison and returned home to live with his parents in Billings. Just prior to his moving home, his brother R.W. had been living at their parents' home and received his mail there. When R.W. moved out, some of his mail continued to be delivered at his parents' address – including pre-approved credit offers. WILSON filled out several pre-approved credit offers in his brother's name.

In all, WILSON obtained five credit cards in R.W.'s name and charged over \$30,000 on these credit cards. WILSON admitted using the money for daily living expenses, gambling, and purchasing drugs and alcohol.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

IDENTITY THEFT

ANDREA MACKOWIAK

On July 31, 2009, ANDREA MACKOWIAK, a 33-year-old resident of Columbia Falls, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Restitution: \$18,715.06
- Supervised Release: 1 year

MACKOWIAK was sentenced in connection with her guilty plea to aggravated identity theft.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

During 2006, MACKOWIAK was employed at an orthopedic clinic in Whitefish.

Beginning in August of 2006, MACKOWIAK obtained from clinic records the Social Security account numbers of several clinic patients, as well as their names and dates of birth. MACKOWIAK then provided this information to a person in the State of Washington. The person in Washington to whom the information was communicated was a close friend of MACKOWIAK who had asked her to obtain the personal information for the purpose of setting up telephone accounts which could be used by people in prison.

The patient names, dates of birth and Social Security account numbers obtained by MACKOWIAK from the clinic in Montana were used to open fraudulent accounts with Qwest Communications in the State of Washington.

From August through December 2006, the fraudulent Qwest Communications accounts opened in the State of Washington with the personal information taken from the clinic records in Montana were used to obtain telecommunications services from Qwest without paying for such services.

The investigation was conducted by the U.S. Secret Service.

ILLEGAL ALIENS and IMMIGRATION OFFENSES

JUAN AGUADO-LOPEZ

On December 29, 2009, JUAN AGUADO-LOPEZ, a 25-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 10 months
- Special Assessment: \$100
- Supervised Release: 2 years

AGUADO-LOPEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On March 6, 2009, law enforcement stopped a vehicle on 1-90 for speeding. Upon initial contact with the driver and three passengers, the officer was unable to communicate with the passengers due to their inability to speak English. The officer contacted a agent with U.S. Immigration and Customs Enforcement who then interviewed the subjects telephonically and established that AGUADO-LOPEZ is a citizen of Mexico and was in the United States illegally.

Fingerprint analysis identified AGUADO-LOPEZ as having been previously removed from the United States at El Paso, Texas, on July 19, 2007, under the name of Juan AGUADO-LOPEZ . When interviewed, AGUADO-LOPEZ admitted that he had been previously deported from the United States. Records checks also revealed that AGUADO-LOPEZ had been convicted of felony possession of a controlled substance charge in Utah on May 23, 2007.

A review of immigration records did not reveal any evidence that AGUADO-LOPEZ had received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after being removed.

The investigation was conducted by U.S. Immigration and Customs Enforcement.

JUAN ISAC ALVARADO-ISORDIA

On July 20, 2009, JUAN ISAC ALVARADO-ISORDIA, a citizen of Mexico, was sentenced to a term of:

- Prison: 54 months
- Special Assessment: \$100

- Supervised Release: 3 years

ALVARADO-ISORDIA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

ALVARADO-ISORDIA, an alien, native and citizen of Mexico, and according to his own admission, last entered the United States illegally by crossing the international border near Laredo, Texas, on or about February 5, 2009.

On February 11, 2009, an agent with the U.S. Customs and Border Protection encountered ALVARADO-ISORDIA while conducting a train check of the west bound Amtrak train in Havre. When questioned as to his citizenship, ALVARADO-ISORDIA stated that he was a United States citizen born in Seattle, Washington. Further questioning revealed that ALVARADO-ISORDIA did not know the name of the hospital in which he was born, the names of any of the schools that he had attended, nor did he know his social security number. ALVARADO-ISORDIA produced an expired Washington State Driver's License as identification. A records checks using ALVARADO-ISORDIA'S name, date of birth, and driver's license number revealed no record of ALVARADO-ISORDIA.

ALVARADO-ISORDIA was questioned again as to his citizenship and at that time stated that he was a Mexican citizen illegally present in the United States.

A fingerprint analysis revealed that ALVARADO-ISORDIA had previously been deported and removed from the United States on both November 23, 1995, and again on August 11, 2000.

A review of immigration records also found that ALVARADO-ISORDIA had been previously convicted of manufacture/delivery of a controlled substance in Seattle, Washington, on June 2, 1995, prior to his deportation on November 23, 1995.

A further review of immigration records revealed no evidence that ALVARADO-ISORDIA ever requested, or obtained permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security to apply for re-entry into the United States.

Assistant U.S. Attorney Bryan R. Whittaker prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

SALVADOR AVILA-RIVERA

On February 11, 2009, SALVADOR AVILA-RIVERA, a 44-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 125 months
- Special Assessment: \$125
- Supervised Release: 3 years

AVILA-RIVERA was sentenced after having been found guilty during a 1½-day trial of unlawful re-entry of a previously deported alien and identification document fraud.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

HECTOR MANUEL ARMENDARIZ-VASQUEZ

On December 10, 2009, HECTOR MANUEL ARMENDARIZ-VASQUEZ, a 29-year-old Mexican citizen, was sentenced to a term of:

- Prison: 3 months
- Special Assessment: \$100
- Supervised Release: 1 year

ARMENDARIZ-VASQUEZ was sentenced in connection with his guilty plea to illegal re-entry after having been deported.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On October 21, 2009, ARMENDARIZ-VASQUEZ was the driver of a vehicle being inspected at a Department of Transportation portable scale check station and was ticketed for several DOT infractions.

When asked by a U.S. Immigration and Customs Enforcement agent as to his citizenship, ARMENDARIZ-VASQUEZ admitted that he was a citizen of Mexico.

A review of immigration record checks and fingerprint comparisons revealed that ARMENDARIZ-VASQUEZ is a citizen of Mexico and had been previously removed from the United States on April 2, 2008, at El Paso, Texas. When questioned, he admitted to having been previously removed on April 2, 2008.

Further review of immigration records did not reveal any evidence that ARMENDARIZ-VASQUEZ had received permission from the Attorney General or the Secretary of

Homeland Security to reenter the United States after being removed.

The investigation was conducted by U.S. Immigration and Customs Enforcement.

TIBOR THOMAS BANYAI

On October 15, 2009, TIBOR THOMAS BANYAI, a 66-year-old native of Hungary and citizen of Canada, was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Supervised Release: 3 years

BANYAI was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 14, 2009, BANYAI was encountered by U.S. Customs & Border Protection officers and was not in possession of any type of identification. He stated that he had been living and working in the United States since 2005.

A fingerprint analysis revealed that BANYAI had previously been deported and removed from the United States on March 8, 1985, and again on January 2, 1986.

A review of immigration records revealed no evidence that BANYAI ever requested or obtained permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security, to apply for re-entry into the United States.

Assistant U.S. Attorney Bryan R. Whittaker prosecuted the case for the United States.

The investigation was conducted by U.S. Customs and Border Protection.

MAGDALENO BARRAGAN

On March 9, 2009, MAGDALENO BARRAGAN, a 45-year-old resident of Butte, entered a *nolo contendere* plea and was sentenced as follows:

- Probation: 5 years
- Special Assessment: \$10
- Fine: \$5,000

BARRAGAN was sentenced in connection with his *nolo contendere* plea to unlawful

employment of aliens.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January and March of 2006, BARRAGAN employed at least three illegal aliens at his Melaque Mexican restaurants – MB, HM, and CL. All three were subsequently deported from the United States in early 2007.

In May of 2007, during a search of BARRAGAN'S restaurants by agents from the U.S. Immigration and Customs Enforcement (ICE), MB, HM, and CL were again found to be working for BARRAGAN. MB was working at BARRAGAN'S Belgrade restaurant. HM and CL were working at the Butte location. Employment records on file with the State of Montana confirm that all three aliens were employed for BARRAGAN, both in 2006 before they were deported and in May of 2007. The timing of their employment for BARRAGAN and their removals from the United States, as well as MB's and CL's family ties to BARRAGAN, provide circumstantial evidence of BARRAGAN'S knowledge of the aliens' immigration status. And the fact that three different illegal aliens were employed on two separate occasions demonstrates a pattern or practice.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

RAMON ENRIQUE BARRIENTOS-MENDEZ

On November 19, 2009, RAMON ENRIQUE BARRIENTOS-MENDEZ, a 25-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 2 years

BARRIENTOS-MENDEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Bryan R. Whittaker, the government stated it would have proved at trial the following:

On April 28, 2009, BARRIENTOS-MENDEZ was encountered by an agent with the U.S. Immigration and Customs Enforcement. Initially, BARRIENTOS-MENDEZ claimed to be a citizen of Puerto Rico and that his name was Carlos Francisco Don Juan. After further questioning, he admitted his real name and stated that he was a citizen and national of Mexico.

A fingerprint examination identified BARRIENTOS-MENDEZ as having been previously deported and removed from the United States on December 21, 2006. It also indicated that he was a native and citizen of Honduras.

A review of immigration records revealed that BARRIENTOS-MENDEZ had previously been convicted of three counts of entering an auto with intent to commit theft and two counts of theft by taking in Carroll County, Georgia, prior to his deportation on December 21, 2006.

Further review of immigration records found no evidence that he had ever requested, or obtained permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security to apply for re-entry into the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

LUIS COELLO-RAUDALES

On March 13, 2009, LUIS COELLO-RAUDALES, a resident of Honduras, was sentenced to a term of:

- Prison: 157 days (time served)
- Special Assessment: \$100
- Supervised Release: 6 months

COELLO-RAUDALES was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 8, 2007, COELLO-RUDALES was encountered at the Billings Greyhound Bus Station by a U.S. Customs and Border Protection agent. When questioned in Spanish by the agent, COELLO-RUDALES and two other Hispanic males stated they were traveling to Seattle, Washington. When the agent asked COELLE-RUDALES as to his citizenship, COELLE-RUDALES stated he was from Honduras. He also admitted he did not have any documentation to be or remain in the United States.

Through a review of immigration records and a fingerprint comparison, it was revealed that COELLE-RUDALES had been previously deported from the United States on October 25, 2001. A further review of immigration records did not reveal any evidence that COELLE-RUDALES had received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after being removed.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

MARTIN DOMINGUEZ-ESTRADA

On November 10, 2009, MARTIN DOMINGUEZ-ESTRADA, a 21-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Supervised Release: 3 years

DOMINGUEZ-ESTRADA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney James E. Seykora, the government stated it would have proved at trial the following:

On May 20, 2009, law enforcement officers responded to a residence in Billings after receiving information that an individual at the residence was possibly a foreign-born national with no legal immigration documents.

At the residence officers encountered DOMINGUEZ-ESTRADA, who admitted that he was a citizen of Mexico with no legal documents allowing him to be in the United States. DOMINGUEZ-ESTRADA also admitted that he had been deported approximately 12 years ago.

A review of immigration records confirmed that DOMINGUEZ-ESTRADA had been previously removed from the United States on April 21, 2002, at El Paso, Texas. Further review revealed no evidence that DOMINGUEZ-ESTRADA had received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after being removed.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection.

MIGUEL ESCAMILLA-TERRAZAS

On November 19, 2009, MIGUEL ESCAMILLA-TERRAZAS, a 40-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 212 days, time served
- Special Assessment: \$100

ESCAMILLA-TERRAZAS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Bryan R. Whittaker, the government stated it would have proved at trial the following:

On April 20, 2009, ESCAMILLA-TERRAZAS was arrested in Belgrade. He was found concealed in a crawl space in an apartment which law enforcement officers had searched pursuant to an arrest warrant for a drug offense.

A fingerprint analysis revealed that ESCAMILLA-TERRAZAS had previously been deported and removed from the United States on March 17, 1995, from Detroit, Michigan and again on August 29, 2007, from El Paso, Texas.

A review of immigration records revealed no evidence that ESCAMILLA-TERRAZAS ever requested or obtained permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security, to apply for re-entry into the United States.

The investigation was conducted by U.S. Immigration and Customs Enforcement.

ISIDRO HERNANDEZ-CASAS

On March 27, 2009, ISIDRO HERNANDEZ-CASAS, a 55-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

HERNANDEZ-CASAS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 4, 2008, a Montana Highway Patrol officer stopped near Alberton to assist some individuals fixing a flat tire on a minivan. HERNANDEZ-CASAS was the driver and there were three passengers. Because the van was not properly registered, the officer cited HERNANDEZ-CASAS and impounded the vehicle. He told HERNANDEZ-CASAS that the van would be released if proof of ownership was provided to Mineral County by October 6, 2008.

The officer suspected that the four occupants of the van might be illegal aliens, so after his encounter with them he contacted the U.S. Immigration and Customs Enforcement (ICE). An ICE agent determined that all four occupants of the van were likely illegal aliens and that HERNANDEZ-CASAS had been previously deported from the United States.

On October 6, 2008, HERNANDEZ-CASAS was arrested when he went to the Mineral County Courthouse to provide proof of ownership for the van. His fingerprints were then analyzed which revealed that he had previously been deported from the United States on July 17, 1999, through McAllen, Texas. His removal followed a conviction in 1995 for a felony in Gwinnett County, Georgia, for purchasing and/or possessing cocaine. There is no evidence in HERNANDEZ-CASAS' immigration file that he had applied for or received permission to reenter the United States with either the Secretary of the Department of Homeland Security or the Attorney General.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Montana Highway Patrol.

JOSE HUERTA-VALENZUELA

On January 8, 2009, JOSE HUERTA-VALENZUELA, age 31, was sentenced to a term of:

- Prison: 11 months
- Special Assessment: \$100
- Supervised Release: 2 years

HUERTA-VALENZUELA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 29, 2007, agents with U.S. Immigration and Customs Enforcement learned that HUERTA-VALENZUELA had been arrested on a traffic stop near Forsyth by the Montana Highway Patrol. An initial records check indicated that HUERTA-VALENZUELA was a citizen of Mexico who had previously been deported from the United States.

A review of immigration records revealed that on September 20, 2002, HUERTA-VALENZUELA had been deported from the United States via Nogales, Arizona.

A further review did not reveal any evidence that HUERTA-VALENZUELA had received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after having been removed on September 20, 2002.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

BERNABE LUIS-HERNANDEZ

On August 18, 2009, BERNABE LUIS-HERNANDEZ, a 32-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 50 months
- Special Assessment: \$100
- Supervised Release: 3 years

LUIS-HERNANDEZ was sentenced in connection with his guilty plea to illegal re-entry by a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On December 1, 2008, LUIS-HERNANDEZ was encountered by an agent with the U.S. Immigration and Customs Enforcement at the Big Horn County Detention Facility in Hardin. LUIS-HERNANDEZ admitted to the agent that he is a citizen of Mexico and was in the United States illegally.

A fingerprint analysis identified LUIS-HERNANDEZ as an individual that was removed from the United States on October 7, 2004, through Otay Mesa, California. A further review of immigration records did not reveal any evidence that LUIS-HERNANDEZ had received permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States after having been removed.

LUIS-HERNANDEZ had a prior qualifying felony conviction as well as a felony drug possession conviction in 2008.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

BRUNO LOPEZ-CRUZ

On October 16, 2009, BRUNO LOPEZ-CRUZ, a citizen of Mexico, was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Supervised Release: 3 years

LOPEZ-CRUZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Bryan R. Whittaker, the government stated it would have proved at trial the following:

On June 9, 2009, agents with the U.S. Customs and Border Protection encountered LOPEZ-CRUZ while conducting a train check in Havre. When questioned as to his citizenship, LOPEZ-CRUZ stated that he was a United States citizen born in Browning. However, after further questioning LOPEZ-CRUZ admitted that he was born in Mexico and produced an expired Mexican passport with no U.S. Visa.

A fingerprint examination identified LOPEZ-CRUZ as having been previously deported on August 25, 2005, and again on October 13, 2006. It also indicated that he was a native and citizen of Mexico.

A review of immigration records revealed that LOPEZ-CRUZ had previously been convicted of fraud and misuse of visas, permits, and other documents on August 4, 2005, prior to his deportation on August 25, 2005.

Further review of immigration records found no evidence that he had ever requested, or obtained permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security to apply for re-entry into the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

JOSE LUIS LOPEZ-PUERTO

On March 13, 2009, JOSE LUIS LOPEZ-PUERTO, a 25-year-old citizen of Honduras, was sentenced to a term of:

- Prison: 4 months (with credit for 57 days of time already served)
- Special Assessment: \$100
- Supervised Release: 6 months

LOPEZ-PUERTO was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 15, 2009, LOPEZ-PUERTO was encountered at the Billings Greyhound Bus Station by a Border Patrol agent who had observed LOPEZ-PUERTO sitting in the bus station and had asked him in English where he was headed. LOPEZ-PUERTO did not speak any English. The agent then asked the same question in Spanish and LOPEZ-PUERTO replied that he was traveling to Seattle. The agent identified himself as an immigration officer and asked LOPEZ-PUERTO as to his citizenship, at which point LOPEZ-PUERTO ran out of the bus station and out of sight. The agent and several officers from other agencies looked for LOPEZ-PUERTO without success.

On January 16, 2009, the local mission contacted the U.S. Marshal's Service in Billings about an Hispanic male that could not speak or understand English. His description matched the one of the subject who had ran from the bus station. An agent responded to the mission and spoke with LOPEZ-PUERTO who stated he was from Honduras. When asked whether he had documentation to be in or remain in the United States, LOPEZ-PUERTO responded "no."

A review of immigration records and a fingerprint comparison revealed that LOPEZ-PUERTO had been previously removed from the United States on July 12, 2007, at Harlingen, Texas. LOPEZ-PUERTO admitted to being previously removed from the United States and stated that he had never applied to the Secretary of Homeland Security to reenter the United States.

A further review of the records confirmed that LOPEZ-PUERTO had never requested permission to apply for re-entry into the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security, after being removed.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

LUCIO MADRIGAL-PLACIDO

On January 9, 2009, LUCIO MADRIGAL-PLACIDO, a 53-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 225 days (time served)
- Special Assessment: \$100

MADRIGAL-PLACIDO was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 30, 2008, a Montana Highway Patrol officer and an agent with the U.S. Immigration and Customs Enforcement stopped a van in which MADRIGAL-PLACIDO was a passenger. The van contained five Hispanic individuals, four of whom are illegal aliens.

MADRIGAL-PLACIDO'S immigration records reflected that he was deported from the United States on May 29, 2004, at the Port of San Ysidro, California. There is no evidence in MADRIGAL-PLACIDO'S immigration file that he applied for permission to reenter the United States with either the Secretary of the Department of Homeland

Security or the Attorney General.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol and the U.S. Immigration and Customs Enforcement.

ALFREDO MIGUEL-MATEO

On December 16, 2009, ALFREDO MIGUEL-MATEO, a 31-year-old citizen of Guatemala, was sentenced to a term of:

- Prison: 6 months and 3 days (time served)
- Special Assessment: \$100
- Supervised Release: 3 years

MIGUEL-MATEO was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

On July 15, 2009, MIGUEL-MATEO was encountered at the Greyhound Bus Station in Billings by an agent with U.S. Customs and Border Protection. The agent observed him sitting in the bus station, and asked him in English where he was headed. MIGUEL-MATEO did not speak any English. When asked the same question in Spanish, MIGUEL-MATEO replied that he was traveling to Olympia, Washington. When asked as to his citizenship, MIGUEL-MATEO stated he was from Guatemala and admitted he did not have any documentation to be in or remain in the United States.

A fingerprint comparison found that MIGUEL-MATEO had been previously removed from the United States on August 22, 2003, at Houston, Texas.

A review of immigration records did not reveal any evidence that MIGUEL-MATEO had received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after being removed.

The investigation was conducted by U.S. Customs and Border Protection.

PEDRO ORTIZ-ROMO

On February 25, 2009, PEDRO ORTIZ-ROMO, a 38-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 41 months

- Special Assessment: \$100
- Supervised Release: 3 years

ORTIZ-ROMO was sentenced in connection with his guilty plea to illegal reentry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 3, 2008, an agent with the U.S. Immigration and Customs Enforcement (ICE) learned that a Montana Highway Patrol trooper had conducted a traffic stop on a vehicle near Forsyth. The passenger of the vehicle was identified as ORTIZ-ROMO. When his fingerprints were entered into the immigration system, ORTIZ-ROMO was identified as having been previously removed from the United States on July 20, 1999, through Calexico, California.

When questioned, ORTIZ-ROMO confirmed that he had previously been deported and that he did not have permission to re-enter the United States.

A further review of Immigration Records did not reveal any evidence that ORTIZ-ROMO had received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after being removed on July 20, 1999. ORTIZ-ROMO has a prior aggravated felony for a qualifying drug charge from 1995 in California.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Montana Highway Patrol and the U.S. Immigration and Customs Enforcement.

ERIC GENARO PAKAS-CARDENAS

On February 5, 2009, ERIC GENARO PAKAS-CARDENAS, a 39-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 46 months
- Supervised Release: 3 years

PAKAS-CARDENAS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the evening of August 31, 2008, a van was stopped near Cut Bank. One of the

occupants was PAKAS-CARDENAS.

A field interview was conducted by a Border Patrol agent who determined that PAKAS-CARDENAS was a citizen and national of Mexico and that he did not have immigration documents allowing him to be in the United States. PAKAS-CARDENAS was taken into custody for processing.

A records check revealed that PAKAS-CARDENAS had previously been deported on January 28, 2000, through the Port of El Paso, Texas. Further review of immigration records revealed that PAKAS-CARDENAS had been convicted of delivery of cocaine in Seattle, Washington, on October 2, 1998.

When confronted with his immigration records, PAKAS-CARDENAS admitted to being a citizen of Mexico who had previously been deported through El Paso, Texas, on January 28, 2000. He also admitted that he had never sought permission to apply for re-entry into the United States.

PAKAS-CARDENAS stated that he had driven from Seattle to Browning to look for work. He further stated that he intended to cross into Canada to look for work there.

A search of immigration records revealed no evidence that PAKAS-CARDENAS ever requested permission from immigration authorities to apply for re-entry into the United States.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

ABRAHAM PALACIOS-RODRIGUEZ

On March 9, 2009, ABRAHAM PALACIOS-RODRIGUEZ, a 43-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$200
- Supervised Release: 5 years

PALACIOS-RODRIGUEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 5, 2008, at Sweetgrass Port of Entry, PALACIOS-RODRIGUEZ presented a Permanent Resident Alien Card in the name of *Jaime Arreguin-Nunez*. An

officer determined the card was counterfeit due to its poor quality in appearance and texture.

A fingerprint analysis revealed that he was PALACIOS-RODRIGUEZ and that he had previously been deported on June 6, 2002, through El Paso, Texas. A review of immigration records also indicated that he had been convicted of an offense known as methamphetamine trafficking in Boise, Idaho, on September 28, 1998.

When questioned, PALACIOS-RODRIGUEZ admitted his true name was Abraham Palacios-Rodriguez, that he was a citizen of Mexico, and that he had previously been deported. He further admitted that he had re-entered the United States in 2005 through the desert near Nogales, Arizona.

Further review of the records revealed no evidence that PALACIOS-RODRIGUEZ ever requested permission to apply for re-entry into the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection, Office of Field Operations, Port of Sweetgrass.

LUIS EDUARDO SOTO-RODRIGUEZ

On May 20, 2009, LUIS EDUARDO SOTO-RODRIGUEZ, a 29-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 4 months (time served)
- Special Assessment: \$200
- Supervised Release: 1 year

SOTO-RODRIGUEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien and possession of false documents.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 21, 2009, the Mussellshell County Sheriff's Department contacted the U.S. Immigration and Customs Enforcement (ICE) regarding a welfare check involving a residence in Roundup. Many of the occupants of the residence had supplied the deputies with what appeared to be false immigration documents.

When the ICE agent responded to the residence, she asked the occupants in Spanish their place of birth. SOTO-RODRIGUEZ responded that he was born in Mexico. She

requested his immigration papers and he handed her a Permanent Resident card and a Social Security card, both of which identified him as Luis E. Soto. She recognized immediately that the Permanent Resident card was forged and she suspected the Social Security card was as well.

The agent contacted the Havre Border Patrol dispatch to check the validity of the cards. The document was immediately found to be a forgery. The agent also learned that SOTO-RODRIGUEZ had been previously removed from the United States and that he had provided false immigration documents on that occasion as well.

When questioned further, SOTO-RODRIGUEZ admitted that he had been previously deported 5 months earlier and that he received a 5 year ban from entry back into the United States. He also admitted that his complete name was Luis Eduardo Soto-Rodriguez.

A review of immigration records and a fingerprint comparison confirmed that SOTO-RODRIGUEZ had been previously removed from the United States on August 11, 2008, through Laredo, Texas. A further review of immigration records found no evidence that SOTO-RODRIGUEZ had requested or received permission from the Attorney General or the Secretary of Homeland Security to reenter the United States after being removed.

Assistant U.S. Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

MARIO VALENCIA-BRISCENO

On June 16, 2009, MARIO VALENCIA-BRISCENO, age 28, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 1 year

VALENCIA-BRISCENO was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 5, 2009, the Broadus Police Chief encountered VALENCIA-BRISCENO with four other Hispanic subjects when he approached a disabled vehicle that was parked. He attempted to speak with the individuals, however none of the individuals were able to communicate with him in English so he transported them to the Powder River County

Sheriff's Office.

The Sheriff's Office contacted an agent with the U.S. Immigration and Customs Enforcement who spoke with VALENCIA-BRISENO in Spanish by phone. The agent determined that VALENCIA-BRISENO was a citizen of Mexico and in the United States illegally.

A fingerprint analysis revealed that VALENCIA-BRISENO had previously been removed from the United States on December 10, 2003, through Brownsville, Texas.

A review of Immigration Records did not reveal any evidence that VALENCIA-BRISENO had received permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States after being removed.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Broadus Police Department, the Powder River County Sheriff's Office, and the U.S. Immigration and Customs Enforcement.

SAUL VALENZUELA-NAVARRO

On December 14, 2009, SAUL VALENZUELA-NAVARRO, a 35-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

VALENZUELA-NAVARRO was sentenced in connection with his guilty plea to illegal re-entry after having been deported previously.

In an Offer of Proof filed by Assistant U.S. Attorney Bryan R. Whittaker, the government stated it would have proved at trial the following:

On June 23, 2009, an agent with the U.S. Customs and Border Protection encountered VALENZUELA-NAVARRO while responding to a call for assistance from the Rocky Boy's Police Department on the Rocky Boy's Indian Reservation near Box Elder.

VALENZUELA-NAVARRO produced a Mexican voter card as identification. The agent called Havre Sector Dispatch and ran records check using VALENZUELA-NAVARRO'S name and date of birth. These checks revealed multiple prior deportations and several arrests and convictions for criminal charges.

A fingerprint analysis returned positive hits from several records checks systems for

criminal and immigration violations for VALENZUELA-NAVARRO. The fingerprint examination also positively identified the fingerprints as belonging to VALENZUELA-NAVARRO, who had previously been deported and removed from the United States on October 8, 1998, April 28, 2000, September 22, 2000, July 22, 2004, October 19, 2004, and January 3, 2005.

Testimony and documentation would have been presented to establish that a search of immigration records revealed no evidence that VALENZUELA-NAVARRO ever requested, or obtained permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security to apply for re-entry into the United States.

The investigation was a cooperative effort between the U.S. Customs and Border Protection and the Rocky Boy's Reservation Police Department.

INDIAN COUNTRY - BLACKFEET RESERVATION

BOBIE JO ARNOUX

On August 31, 2009, BOBIE JO ARNOUX, a 35-year-old resident of Browning, was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$200
- Restitution: \$38,900
- Supervised Release: 3 years
- Community Service: 80 hours

ARNOUX was sentenced in connection with her guilty plea to conspiracy to defraud an Indian tribal organization and theft from an Indian tribal organization.

In an Offer of Proof filed by Carl E. Rostad, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500 – to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, ARNOUX was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center, and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and ARNOUX approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These "nominee borrowers" were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, ARNOUX, or Hall would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were analyzed and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer's forged signature.

ARNOUX was one of the masterminds behind the scheme which involved a loss of \$62,270.

Good Rider and Hall pled guilty to federal charges and have been sentenced.

The investigation was a cooperative effort between the Inspector General's Office for the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

**VANESSA TOPAZ BAHR and JUSTIN GENE MEINEKE
(BAHR & MEINEKE)**

On July 27, 2009, VANESSA TOPAZ BAHR, age 30, and JUSTIN GENE MEINEKE, age 30, residents of Browning, were sentenced.

BAHR was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$200
- Restitution: \$22,006.90
- Community Service: 40 hours
- Supervised Release: 3 years

MEINEKE was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$200
- Restitution: \$23,659.96
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to theft of government property and making false claims.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

MEINEKE and BAHR went to the Indian Health Service on the Blackfeet Indian Reservation in November of 2007 to get their child vaccinated. They observed vehicle keys on the desk of an IHS employee. When he could do so without being observed, MEINEKE stole the keys with the notion that BAHR would return at some point and steal the vehicle to which the keys belonged. Attached to the keys was a pouch containing a General Services Administration (GSA) fuel credit card. Use of these cards are intended only government employees to fuel government vehicles being used in the course of government business.

After leaving the IHS, the pair realized that they could use the stolen GSA credit card to obtain fuel for their vehicle, as well as those of friends and relatives who would pay them for filling their cars with gas. Once they had discovered how to get the card activated, or approved for use, by coding the transaction to the identification number of the vehicle and using a five digit mileage entry, they began charging friends and relatives \$20 per car to get their vehicles filled with gas; \$40 for larger vehicles or ½ the pump reading. The fraudulent claims began on November 27, 2007.

Before the scheme was discovered and ended in January of 2008, the two had charged \$6,788.10 in unlawful fuel purchases on the GSA credit card. After a brief investigation, MEINEKE was stopped in the middle of a fill-up at a Browning gas station on January 25, 2008. He later relinquished the card and provided a confession detailing the theft and illegal use of the card. He was not arrested or charged at that time. Authorities attempted to interview BAHR, who was at that time incarcerated in Cascade County, but she refused their request.

Sometime thereafter, beginning in August of 2008, MEINEKE and BAHR obtained two

more GSA gas cards which had been stolen from IHS ambulances. Claims against the GSA on the unlawful use of these stolen cards totaled \$16,871.86. The GSA card which had been used for \$15,103.13 of that amount was surrendered to law enforcement by BAHK on September 23, 2008. On this occasion, when interviewed, BAHK admitted her role in the theft and use of the first GSA credit card, and to the fraudulent use of the two others. MEINEKE was also interviewed and reaffirmed his involvement in the theft and use of the first GSA credit card but denied using the two other GSA credit cards.

The final two GSA credit cards were determined to have been stolen and fraudulently used in October of 2008.

The investigation was conducted by Office of the Inspector General for the General Services Administration.

DURAND TYLAND BEAR MEDICINE

On September 21, 2009, DURAND TYLAND BEAR MEDICINE, a 29-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$4,200

BEAR MEDICINE was sentenced in connection with his guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500 – to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, Bobi Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center, and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and Bobi Jo Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These “nominee borrowers” were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the

proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, Bobi Jo Arnoux, or Hall would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were later analyzed by the U.S. Postal Inspection Service forensic laboratory and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer's forged signature.

BEAR MEDICINE received the following checks as part of the scheme: February 2, 2008 - \$1,500; February 12, 2008 - \$1,500; February 28, 2008 - \$1,200; March 28, 2008 - \$1,500; March 28, 2008 - \$1,500, and April 4, 2008 - \$1,500, for a total of \$8,700.

Good Rider, Hall, and Arnoux pled guilty to federal charges and have been sentenced.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Inspector General's Office for the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

DEANNA MARIE BLACKMAN

On June 8, 2009, DEANNA MARIE BLACKMAN, a 24-year-old resident of Browning, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100

- Supervised Release: 3 years

BLACKMAN was sentenced in connection with her guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 22, 2007, the female victim was at a residence in Browning. BLACKMAN came into the residence and began arguing and fighting with the victim. BLACKMAN grabbed the victim's crutches and hit her in the face and head with a crutch.

The victim was taken to the hospital in Browning and treated for her injuries. The treating physician stated that the victim's injuries constituted "serious bodily injury" under federal law because of: 1) "extreme physical pain," and 2) "protracted and obvious disfigurement."

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

CHRISTOPHER DEAN BOY

On August 6, 2009, CHRISTOPHER DEAN BOY, a 39-year-old resident of Browning, was sentenced to a term of:

- Prison: 19 months
- Special Assessment: \$100
- Supervised Release: 6 years

BOY was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine in a public school zone.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

On June 22, 2006, a confidential informant met with BOY for the purpose of purchasing methamphetamine. The meeting took place at the Laundry Mat parking lot in Browning, which is within 1,000 feet of a public school and within the exterior boundaries of the Blackfeet Indian Reservation. At that time, BOY possessed, with the intent to distribute, a mixture and substance containing a detectable amount of methamphetamine. The substance was later tested by the Drug Enforcement Administration Lab and confirmed to contain methamphetamine.

The investigation was conducted by the Blackfeet Safe Trails Task Force.

DOUGLAS JOSEPH DAY RIDER

On July 20, 2009, DOUGLAS JOSEPH DAY RIDER, a 28-year-old resident of Browning, was sentenced to a term of:

- Prison: 23 months
- Special Assessment: \$100
- Supervised Release: 5 years

DAY RIDER was sentenced in connection with his guilty plea to failure to register as a sexual offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 3, 2001, DAY RIDER was convicted of sexual abuse of a minor and served 16 months incarceration. Following his release, DAY RIDER was informed of the requirement to register. He registered by filing a Montana Department of Justice Sexual and Violent Offender Registration Form on August 2, 2001, listing an address in Browning. He updated the form on November 2, 2001, listing a different address in Browning. This was his last registration, and to date, he has not filed or updated his registration.

On March 3, 2009, DAY RIDER was interviewed by a deputy with the U.S. Marshals Service. DAY RIDER stated that he had been working and living at the Warbonnet Lodge in Browning from February 2 to February 27, 2009. DAY RIDER'S statement was confirmed by the manager and owner of the Warbonnet Lodge, which is located within the exterior boundaries of the Blackfeet Indian Reservation.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service in Great Falls.

JASON X. DENNIS

On October 19, 2009 JASON X. DENNIS, a 39-year-old resident of Wapato, Washington, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$200
- Supervised Release: 6 years

DENNIS was sentenced in connection with his guilty plea to possession with the intent to distribute cocaine and distribution of cocaine in public housing.

Assistant U.S. Attorney Vince Carroll stated that the government would have proved at trial the following:

On September 2, 2006, a confidential informant for the Blackfeet Safe Trails Task Force purchased cocaine from DENNIS. The transaction was audio recorded. The sale took place at a residence in the Glacier Heights neighborhood in Browning, which is in or within 1,000 feet of a Housing and Urban Development community, within the exterior boundaries of the Blackfeet Indian Reservation. The substance was tested by the DEA lab and confirmed to be cocaine.

The investigation was a cooperative effort between the Bureau of Indian Affairs, the Glacier County Sheriff's Office, the Federal Bureau of Investigation and the Blackfeet Safe Trails Task Force.

ALEX CHARLES GOOD RIDER

On August 24, 2009, ALEX CHARLES GOOD RIDER, a 37-year-old resident of Browning, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$200
- Restitution: \$60,770
- Supervised Release: 3 years
- Community Service: 80 hours

GOOD RIDER was sentenced in connection with his guilty plea to conspiracy to defraud an Indian tribal organization and theft from an Indian tribal organization.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500, to qualifying tribal members.

GOOD RIDER was a staff employee of the Blackfeet Tribal Credit Department, which is within the exterior boundaries of the Blackfeet Indian Reservation. Bobie Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when GOOD RIDER and Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These "nominee borrowers" were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to

complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. GOOD RIDER would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. GOOD RIDER, Arnoux, or Hall would then have the nominee sign the tribal check and split the proceeds. GOOD RIDER would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. GOOD RIDER would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that GOOD RIDER had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

GOOD RIDER would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer's forged signature.

The investigation was a cooperative effort between the Inspector General's Office for the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

GENE K. GUARDIPEE, SR.

On June 8, 2009, GENE K. GUARDIPEE, SR., a 62-year-old resident of Browning, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$100
- Supervised Release: 3 years

GUARDIPEE was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 28, 2007, the male victim and GUARDIPEE were at a residence on the Blackfeet Indian Reservation. The victim and GUARDIPEE got into an argument while

at the house. GUARDIPEE then left and the victim fell asleep. Later, the victim said he woke up and GUARDIPEE hit him in his head with a metal bar. An owner of the residence observed GUARDIPEE come into the house with a metal bar and go into the room where the victim was sleeping. He heard some yelling and then GUARDIPEE ran from the house.

The victim was taken to the hospital in Browning and was treated for his head wound. The victim had a laceration to his head approximately 5 to 6 cm in length and had several severed arteries in his head. The treating physician indicated that, in her opinion, the victim's injuries constituted serious bodily injury because of the substantial risk of death, extreme physical pain, and protracted and obvious disfigurement.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

**CLARICE ANN HALL and SEIVERT DAYDRILL RUNNING CRANE
(HALL & RUNNING CRANE)**

On August 27, 2009, CLARICE ANN HALL, age 52, and SEIVERT DAYDRILL RUNNING CRANE, age 23, residents of Browning, were sentenced.

HALL was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$1,500
- Community Service: 40 hours

RUNNING CRANE was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$5,900
- Community Service: 40 hours

They were sentenced in connection with their guilty pleas to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an

agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500 – to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, Bobi Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center, and HALL was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These “nominee borrowers” were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, Arnoux, or HALL would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer’s forged signature.

RUNNING CRANE received the following checks as part of the scheme: March 12, 2008 - \$1,500; March 13, 2008 - \$1,500; March 17, 2008 - \$1,500; and March 17, 2008 - \$1,400, for a total of \$5,900.

Good Rider and Arnoux pled guilty to federal charges and have been sentenced.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Inspector General’s Office for

the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

WILMA JAMIE RAE HOYT

On August 24, 2009, WILMA JAMIE RAE HOYT, a 25-year-old resident of Browning, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$7,500
- Community Service: 40 hours

HOYT was sentenced in connection with her guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500 – to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, which is within the exterior boundaries of the Blackfeet Indian Reservation. Bobie Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center, and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These “nominee borrowers” were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, Arnoux, or Hall would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts

to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were later analyzed and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer's forged signature.

HOYT received three checks as part of the scheme and recruited another individual to participate in the scheme who received two checks for a total of \$7,500.

The investigation was a cooperative effort between the Inspector General's Office for the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

MARTY DEE HEAVY RUNNER

On November 30, 2009, MARTY DEE HEAVY RUNNER, a 36-year-old resident of Browning, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Restitution: \$11,740
- Community Service: 40 hours
- Supervised Release: 3 years

HEAVY RUNNER was sentenced in connection with his guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500 – to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, Bobie Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center, and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These "nominee borrowers" were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, Arnoux, or Hall would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were later analyzed and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer's forged signature.

HEAVY RUNNER received the following checks as part of the scheme: January 25, 2008 - \$1,200; February 19, 2008 - \$1,400; February 19, 2008 - \$1,500; March 21, 2008 - \$900; April 2, 2008 - \$1,200; April 4, 2008 - \$990; April 7, 2008 - \$1,500; April 23, 2008 - \$1,400; April 23, 2008 - \$850; and April 24, 2008 - \$800; for a total of \$5,900.

Arnoux, Good Rider and Hall pled guilty to federal charges and have been sentenced.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Inspector General's Office for the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

KYLE KANE KICKING WOMAN

On May 18, 2009, KYLE KANE KICKING WOMAN, a 21-year-old resident of Browning, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$10

KICKING WOMAN was sentenced in connection with his guilty plea to misdemeanor assault.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 6, 2008, the female victim, along with her boyfriend, KICKING WOMAN, and others were drinking at a residence in China Town near Browning. KICKING WOMAN became angry, so the victim, KICKING WOMAN, and others left China Town and went to a residence in the Starr School area near Browning. When they arrived at the residence, the victim saw KICKING WOMAN grab a hatchet and come towards her. KICKING WOMAN swung the hatchet at the victim, striking her in the head. Police officers arrived at the residence later and found the victim holding a towel on the top of her head to stop the bleeding. Officers collected the hatchet and took photos of the scene and the victim's injuries.

The victim was taken by ambulance to IHS hospital in Browning where she was treated for her injuries. Although the treating physician initially stated that the victim's injuries constituted "serious bodily injury" under federal law because of 1) "substantial risk of death," and 2) "extreme physical pain," he later changed his opinion and stated that none of the victim's injuries constituted serious bodily injury.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Federal Bureau of Investigation.

ALVIN DALE LAZYBOY

On July 2, 2009, ALVIN DALE LAZYBOY, a 47-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$3,000
- Community Service: 40 hours

LAZYBOY was sentenced in connection with his guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500 – to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, Bobie Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center, and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These “nominee borrowers” were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, Arnoux, or Hall would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were later analyzed and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer’s forged signature.

Good Rider, Arnoux and Hall pled guilty to federal charges and are have been sentenced.

LAZYBOY received two checks as part of the scheme. The first on March 6, 2008, and the second check on March 17, 2008, each in the amount of \$1,500, for a total of \$3,000.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Inspector General's Office for the U.S. Department of the Interior and the Blackfeet Tribe Criminal Investigation Division.

GORDON RAY MANN, JR.

On February 9, 2009, GORDON RAY MANN, JR., a 28-year-old resident of Browning, was sentenced to a term of:

- Prison: 280 months
- Special Assessment: \$100
- Supervised Release: life

MANN was sentenced after having been found guilty during a 2-day trial of aggravated sexual abuse.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

CURTIS DUSTIN OLD CHIEF

On July 21, 2009, CURTIS DUSTIN OLD CHIEF, a 22-year-old resident of Browning, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 3 years

OLD CHIEF was sentenced in connection with his guilty plea to involuntary manslaughter.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

On July 1, 2008, OLD CHIEF and four females were riding around Browning, which is within the exterior boundaries of the Blackfeet Indian Reservation. OLD CHIEF was the driver and all five had been drinking. At approximately 3:30 p.m., the car that OLD CHIEF was driving entered a turn going too fast, left the road, and wrecked. One of the passengers died as a result of the injuries she received in the wreck.

OLD CHIEF'S blood-alcohol content shortly after the wreck was 0.11 gm/100ml.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Blackfeet Tribal Law Enforcement.

WILLIAM FRED OLD ROCK

On January 15, 2009, WILLIAM FRED OLD ROCK, a 20-year-old resident of Browning, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

OLD ROCK was sentenced in connection with his guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 27, 2007, OLD ROCK borrowed a PT Cruiser from a friend to take his friend, D.L. (the victim), home. OLD ROCK had been drinking before the incident. As OLD ROCK was driving on Starr School road approximately 11 miles from Browning, he began to pass a white pickup truck being driven by P.C. While he was passing P.C.'s truck, OLD ROCK handed the victim a cigarette. As he did so, he ran into P.C.'s truck, causing her to leave the road. The PT Cruiser also ran off the road, began flipping, and came to rest on it's roof. Neither OLD ROCK nor the victim were wearing their seatbelts. The victim was ejected from the car and died as a result of the injuries he received in the wreck. Several witnesses saw OLD ROCK climb out of the driver's side window of the car. He then fled the scene and was arrested later that day. His blood was drawn and his blood-alcohol level was 0.15 GM/100ML.

OLD ROCK was interviewed and stated that he had been drinking the day of the incident. He also stated that he was driving the victim home when the wreck occurred.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

BONITA ROSE PLENTY HORSE

On August 3, 2009, BONITA ROSE PLENTY HORSE, a 34-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$4,320

- Community Service: 40 hours

PLENTY HORSE was sentenced in connection with her guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between January 7, 2008, and May 5, 2008, forty-six fraudulent checks totaling \$62,270 were written off the accounts of the Blackfeet Tribal Credit Department, an agency of the Blackfeet Tribe tasked with providing short-term loans – to a maximum of \$1,500, to qualifying tribal members.

Alex Good Rider was a staff employee of the Blackfeet Tribal Credit Department, Bobi Jo Arnoux was a Treatment Admissions Clerk for the Crystal Creek Lodge Treatment Center and Clarice Hall was an Administrative Assistant at the Blackfeet Tribal Credit Department.

The scheme began when Good Rider and Arnoux approached tribal members and, in exchange for a portion of the fraudulent loan proceeds, had them fill out a short-term loan application. These “nominee borrowers” were tribal members – generally friends, relatives or co-workers of the three – who would agree to have their names used to complete loan applications and to transact a tribal check representing the proceeds of the loan in exchange for a share of the proceeds. Nominees would be assured that they would not be called upon to repay the debt to the tribe. Good Rider would process the applications, knowing that there was no bonafide need on behalf of the borrower for a loan and no intention to have the loan repaid. The processed loan would then be forwarded to the Blackfeet Tribal Treasurer who, believing that the applications were legitimate loan requests from qualified borrowers, would sign a tribal check for the amount of the loan. Good Rider, Arnoux, or Hall would then have the nominee sign the tribal check and split the proceeds. Good Rider would then shred all of the paperwork at the Credit Department so there was no record of the check being issued.

As the scheme progressed without discovery, the conspirators began taking shortcuts to expedite the thefts. Good Rider would steal blank tribal checks from stock on hand at the Credit Department. The checks were then completed using either a Credit Department typewriter that Good Rider had removed from the office, or a second typewriter he borrowed from a friend. Both typewriters were later analyzed and determined to be the mechanical source of fraudulent checks. Several previously unknown fraudulent checks were discovered from the ribbon of the second typewriter.

Good Rider would then forge the signature of the Blackfeet Tribal Treasurer to the fraudulent check. The check would be negotiated and the proceeds divided up between the principals and the nominee. Thirty-two of the forty-six checks contained the Treasurer’s forged signature.

PLENTY HORSE received four checks as part of the scheme. The first on March 21, 2008 for \$900, two checks on April 23, 2008 (one for \$850 and the other for \$1,500), and the fourth check on May 5, 2008, for \$980, for a total of \$4,230.

Arnoux, Good Rider and Hall pled guilty to federal charges have been sentenced.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the U.S. Department of the Interior.

EVA MARIE RED HEAD GREEN

On July 21, 2009, EVA MARIE RED HEAD GREEN, a 62-year-old resident of Browning, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 6 years

RED HEAD GREEN was sentenced in connection with her guilty plea to distribution of methadone in a public housing facility.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

On both November 1, 2006, and March 23, 2007, a confidential informant of the Blackfeet Safe Trails Task Force (BSTTF) purchased methadone pills from RED HEAD GREEN. The sales took place within 1,000 feet of a Housing and Urban Development community in Browning, which is within the exterior boundaries of the Blackfeet Indian Reservation. An analysis of the pills confirmed they were methadone.

The investigation was conducted by the Blackfeet Safe Trails Task Force.

RODNEY JOE RUNNING CRANE

On April 6, 2009, RODNEY JOE RUNNING CRANE, a 31-year-old resident of Browning, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 5 years

RUNNING CRANE was sentenced in connection with his guilty plea to abusive sexual contact.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 13, 2008, A.W. (age 10) was at the Old Devareaux Ranch, on the Blackfeet Indian Reservation, playing with her sister and a friend. RUNNING CRANE is employed as a caretaker at the ranch and went there that morning to water the grass and feed some horses. When A.W. returned home from the ranch, she told her mother that her sister and her friend were in the hay loft of the barn and A.W. and RUNNING CRANE were on the ground level. A.W. explained that RUNNING CRANE came up behind her and grabbed her around the waist with both arms and then put one of his hands between her legs and held her for about 5 seconds.

On August 13, 2008, when interviewed, RUNNING CRANE denied the incident. When he was interviewed again on August 28, 2008, he admitted that he grabbed A.W. from behind and grabbed her vagina area and had his hand there for about 5 seconds. He said this was not an accident, that it was sexual.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

GREGORY JAY RUNNINGWOLF

On March 9, 2009, GREGORY JAY RUNNINGWOLF, a resident of Browning, was sentenced to a term of:

- Prison: 57 months
- Special Assessment: \$100
- Restitution: \$18,549.08
- Supervised Release: 3 years

RUNNINGWOLF was sentenced after having been found guilty during a 2-day trial of assault resulting in serious bodily injury.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

MERLE ANTHONY TROMBLEY

On July 21, 2009, MERLE ANTHONY TROMBLEY, a 36-year-old resident of Browning, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100

- Supervised Release: 6 years

TROMBLEY was sentenced in connection with his guilty plea to possession with the intent to distribute and distribution of cocaine and methamphetamine in a public housing facility.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

On November 19th, 20th, and 29th of 2007, a confidential informant of the Blackfeet Safe Trails Task Force (BSTTF) purchased cocaine from TROMBLEY within 1,000 feet of a Housing and Urban Development community in Browning. The substances were analyzed and confirmed to be cocaine.

The investigation was conducted by the Blackfeet Safe Trails Task Force.

RUSTY LANE FROST VERNWALD

On June 24, 2009, RUSTY LANE FROST VERNWALD, a 19-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years, with 6 months home arrest
- Special Assessment: \$100
- Restitution: \$132.50

VERNWALD, an Indian person, was sentenced in connection with his guilty plea to burglary.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 2, 2008, an employee of the Blackfeet Solid Waste Center was unlocking the gate to the Center when he saw an individual, later identified as VERNWALD, coming out of the Blackfeet Solid Waste Building on the Blackfeet Indian Reservation. He called the police and Bureau of Indian Affairs (BIA) Police responded. After speaking with the employee, officers were able to locate VERNWALD hiding in a field near the Solid Waste Building.

The officers arrested VERNWALD and found \$3.25 in quarters in VERNWALD'S pockets and \$915 in bills under some grass in the field where VERNWALD was hiding. The employee identified the quarters and the bills as missing from the Solid Waste Building.

While being transported to the tribal jail, VERNWALD admitted committing the burglary and indicated that he committed the burglary because he was mad at not being offered

a job at the Solid Waste Center following an interview just a few days before the burglary.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

WESLEY DEAN WELLS

On October 26, 2009, WESLEY DEAN WELLS, a 31-year-old resident of Browning, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Restitution: \$742,592.06
- Supervised Release: 3 years

WELLS was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

On November 12, 2007, WELLS and the victim, E.C., were drinking. At approximately 7:00 p.m., WELLS was driving and E.C. was a passenger in the car. As they approached an intersection near Browning, on the Blackfeet Indian Reservation, WELLS failed to make the turn necessary to stay on the road, careened across the highway, drove through a ditch and a plank fence, and hit a tree. E.C. was severely injured in the wreck. As a result of the injuries sustained in the wreck, E.C. is paralyzed. At or near the time of the wreck, WELLS' BAC was 0.25gm/100ml.

E.C. was flown to the hospital in Kalispell. The treating physician indicated that, in his opinion, E.C.'s injuries constitute serious bodily injury because of the substantial risk of death, extreme physical pain, and protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

The investigation was conducted by the Bureau of Indian Affairs.

AMY SUE WHITEGRASS

On January 5, 2009, AMY SUE WHITEGRASS, an 18-year-old resident of Browning, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$100

- Supervised Release: 3 years

WHITEGRASS was sentenced in connection with her guilty plea to assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 2, 2008, in the early morning hours, the victim, C.G., went looking for WHITEGRASS, his girlfriend. C.G. located WHITEGRASS in the home of another male, and told her to "come on, let's go." C.G. and WHITEGRASS then walked to a friend's home, which is located on the Blackfeet Indian Reservation. Upon arriving at the friend's home, C.G. and WHITEGRASS began arguing. During the argument, C.G. pushed WHITEGRASS' face and she hit her lip on a coffee table. After she hit her lip, WHITEGRASS walked into the kitchen, picked up a knife, and walked back into the living room where C.G. was seated on the couch. WHITEGRASS walked across the living room, sat on C.G.'s lap and "chopped" C.G. in the head with the knife. C.G. was taken to Indian Health Services hospital in Browning and received medical treatment for the knife wound.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

AVALINE YAZZIE

On August 6, 2009, AVALINE YAZZIE, a 33-year-old resident of Browning, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 3 years

YAZZIE was sentenced in connection with his guilty plea to distribution of cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 15, 2006, in Browning, which is within the exterior boundaries of the Blackfeet Indian Reservation, a confidential informant conducted an undercover controlled purchase of cocaine from YAZZIE. The substance that was purchased from YAZZIE was later tested by the Drug Enforcement Administration Lab and confirmed to be cocaine.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Blackfeet Safe Trails Task Force.

DAVID YAZZIE

On August 6, 2009, DAVID YAZZIE, a resident of Browning, was sentenced to a term of:

- Prison: 68 months
- Special Assessment: \$100
- Supervised Release: 4 years

YAZZIE was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

From April through November of 2006, confidential informants, under the direction of the Blackfeet Safe Trails Task Force, conducted several undercover controlled purchases of methamphetamine from YAZZIE in Great Falls area and in Browning, which is within the exterior boundaries of the Blackfeet Indian Reservation. The substances that were possessed and sold by YAZZIE were tested by the Drug Enforcement Administration Lab and confirmed to be methamphetamine.

The investigation was conducted by the Blackfeet Safe Trails Task Force.

ANNA REA YELLOW OWL

On August 3, 2009, ANNA REA YELLOW OWL, a 40-year-old resident of Browning, was sentenced to a term of:

- Prison: 50 months
- Special Assessment: \$100
- Supervised Release: 6 years

YELLOW OWL was sentenced in connection with her guilty plea to distribution of cocaine in a public housing facility.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From October of 2006 through September of 2007, confidential informants (CIs), under the direction of the BlackFeet Safe Trails Task Force (BSTTF), conducted three undercover controlled purchases of cocaine from YELLOW OWL at her residence in the Glacier Heights neighborhood in Browning. YELLOW OWL'S residence was within

1,000 feet of a Housing and Urban Development community. The substances that were purchased on each of the three occasions were tested by the Drug Enforcement Administration Lab and confirmed to be cocaine.

On September 28, 2008, members of the BSTTF executed a search warrant at YELLOW OWL'S residence. The officers seized approximately 155 grams of cocaine, approximately \$1,100 in cash, and various other items commonly used in the distribution of cocaine. YELLOW OWL was interviewed and indicated that she obtained cocaine from Yakima, Washington, and that she sold it in Browning.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Blackfeet Safe Trails Task Force.

INDIAN COUNTRY - CROW RESERVATION

HENRY ANGUS BADBEAR, SR.

On November 4, 2009, HENRY ANGUS BADBEAR, a 48-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 57 months
- Special Assessment: \$100
- Supervised Release: 3 years

BADBEAR was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and ammunition.

In an Offer of Proof filed by Assistant U.S. Attorney Lori Harper Suek, the government stated it would have proved at trial the following:

On December 19, 2006, Crow tribal officers were called out because there was a report of a fight involving a weapon on the Crow Indian Reservation. The officers talked with a woman, BADBEAR'S girlfriend, who pointed at a bedroom in a nearby house and stated, "He's got a gun in there – go get it from him." The officers entered the house and checked the bedroom. BADBEAR was in the bedroom holding a rifle pointed at the ceiling. One of the officers asked BADBEAR what he was doing, to which he replied, "This is my last dance. I want you to shoot me or I'm going to shoot myself." BADBEAR was agitated, his face was flushed and his eyes were glassy and bulging out. The officer yelled at BADBEAR to drop the gun. BADBEAR kept repeating, "Just shoot me." BADBEAR claimed that he had cancer and that if the officer refused to shoot him, he would shoot himself. The officer finally was able to convince BADBEAR to unload the rifle and put it down.

BADBEAR claimed that his girlfriend came into the bedroom, drunk, and hit him while he was sleeping. He then got the rifle because he believed his girlfriend's sons were going to beat him up. He stated that it was not his intent to shoot anyone.

At the time of this incident, BADBEAR was on state supervision for a felony, which therefore prohibited from possession of firearms or ammunition.

The investigation was a cooperative effort between Crow Tribal Law Enforcement and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

PATRICK BIGLAKE

On November 18, 2009, PATRICK BIGLAKE, a 32-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 400 months
- Special Assessment: \$100
- Supervised Release: life

BIGLAKE was sentenced after having been found guilty at trial of aggravated sexual abuse within the exterior boundaries of the Crow Indian Reservation. Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MANDI VERDE DUST

On July 1, 2009, MANDI VERDE DUST, a 21-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Restitution: to be determined
- Supervised Release: 3 years

DUST was sentenced in connection with her guilty plea to retaliation.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 13, 2009, on the Crow Indian Reservation, DUST burned the property (clothes and household items) of a 7-year-old sexual abuse victim and her family. DUST did this because the victim reported the abuse to law enforcement, and the abuser, who is related to DUST, was arrested by the Crow Tribe. DUST had been drinking when she found out about the arrest and became very angry. She then went to

the house of the victim and took the property out to the front yard and set it on fire.

An FBI agent driving by the house saw the fire burning and an investigation led to DUST. When DUST was interviewed, she admitted that she had burned the property in retaliation for her relative being arrested and taken to jail.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

SHAWN LEE JEFFERSON

April 8, 2009, SHAWN LEE JEFFERSON, age 31, was sentenced to a term of:

- Prison: 42 months
- Special Assessment: \$100
- Supervised Release: 3 years

JEFFERSON was sentenced in connection with his guilty plea to voluntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the early morning hours of December 28, 2007, law enforcement was contacted by an individual stating that JEFFERSON had just stabbed her husband. Bureau of Indian Affairs police and ambulance personnel responded and found the victim dead.

Earlier in the evening JEFFERSON, the victim, and their wives were celebrating one of the wives' birthday. All became intoxicated. They returned to the victim's home, located on the Crow Indian Reservation, where the victim and his wife started arguing. The wife grabbed a knife, which was taken away from her by one of the women there at the home babysitting the couples' children.

At this point, the victim and JEFFERSON started fighting in the living room. JEFFERSON entered the kitchen and took the knife, while the victim followed him. The two men resumed their fighting and JEFFERSON raised the knife and stabbed the victim in the chest. One of the witnesses heard the knife enter the victim's chest, knew that the victim was hurt badly, and tried to stop the fight.

The victim chased JEFFERSON out of the house and they began wrestling in a field. The victim had a light-weight aluminum snow shovel which JEFFERSON was able to take away. JEFFERSON ended up on top of the victim. As witnesses approached, one of them observed JEFFERSON stab the victim numerous times.

During an interview with agents, JEFFERSON stated he was defending his babies and said he accidentally stabbed the victim after he “walked into the knife.”

The autopsy examination revealed that the victim had been stabbed five times. The cause of death was stab wounds to the victim’s chest and abdomen. Further investigation led to the recovery of the knife with blood on the blade.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

LEON MESSERLY

On October 15, 2009, LEON MESSERLY, a 48-year-old resident of Harlem, was sentenced to a term of:

- Prison: 50 months
- Special Assessment: \$100
- Supervised Release: 3 years

MESSERLY was sentenced after having been found guilty at trial of assault with a dangerous weapon within the exterior boundaries of the Fort Belknap Indian Reservation. MESSERLY and the victim are both Indian persons.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Belknap Tribal Law Enforcement and the Federal Bureau of Investigation.

RONALD ALLEN MULLENBERG

On August 21, 2009, RONALD ALLEN MULLENBERG, a 50-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$200
- Supervised Release: 3 years

MULLENBERG was sentenced in connection with his guilty plea to two counts of abusive sexual contact.

In an Offer of Proof filed by Assistant U.S. Attorney Lori Harper Suek, the government stated it would have proved at trial the following:

On September 12, 2005, W.B. disclosed to a doctor at Indian Health Services that she had been touched in a sexual manner by MULLENBERG. The incident took place within the exterior boundaries of the Crow Indian Reservation. W.B. stated that MULLENBERG always came into her room and touched her when her mother was gone. MULLENBERG would put his hand over her mouth, touch her chest underneath her clothing, and put his hand on her "private area," referring to her vaginal area, and "rub it really hard" until later it would hurt to go the bathroom. Initially, the touching started on the outside of her clothing, but then progressed to underneath her clothing. The victim stated the sexual contact took place approximately five times during the summer of 2002.

Law enforcement also interviewed W.B.'s older sister, K.B. K.B. told the agents that between the ages of six and seven she was also sexually abused at least ten times by MULLENBERG. Each time MULLENBERG would remove her pants and insert his finger into her vagina, causing her pain.

The girls' mother was also interviewed. The mother stated that MULLENBERG was a friend of the family and had unsupervised contact with both girls frequently. She remembered one incident when she walked into W.B.'s bedroom and surprised MULLENBERG. He had his hand on W.B.'s crotch. He quickly pulled his hand away and left.

MULLENBERG was interviewed on November 30, 2007. He admitted to touching both victims on their buttocks and vaginal areas, outside of their clothing, when he was intoxicated. He further stated that he had sexual contact with each of the girls two or three times, and knew his actions were wrong.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

GUS E. OTHER MEDICINE

On January 8, 2009, GUS E. OTHER MEDICINE, a 25-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

OTHER MEDICINE was sentenced in connection with his guilty plea to felony child abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 24, 2008, school personnel noticed prominent bruises and abrasions on A.L.C.'s face, head, ears and neck. He was questioned about the bruises and abrasions, to which he replied that he had "fallen out of bed." After further questioning, A.L.C. revealed that he had been struck with a belt by his step-father, OTHER MEDICINE, at their home.

The victim was then examined by the school nurse, and further bruises and abrasions were discovered on his back and legs. The Montana Department of Family Services was notified and a social worker arrived to take A.L.C. to the Hardin Clinic for further examination. During the examination, the doctor documented large contusions on the victim's legs, hips and buttocks, which were inconsistent with non-accidental trauma.

On February 20, 2008, agents conducted an interview with the victim's mother. She stated that on the evening of January 23, 2008, OTHER MEDICINE lost his temper with A.L.C. and struck him with a belt several times. She further disclosed that OTHER MEDICINE had been spanking and/or striking A.L.C. with a belt on average of two times per week since November of 2007.

Further substantiating the case, during a more recent medical examination at the Billings Clinic, A.L.C. disclosed that OTHER MEDICINE had picked him up by his throat and threw him up against a wall, putting a hole in the wall. Agents went to OTHER MEDICINE'S home and photographed numerous holes in the walls.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

NATHANIEL JAY REED

On August 20, 2009, NATHANIEL JAY REED, a 21-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 151 months
- Special Assessment: \$100
- Supervised Release: life

REED was sentenced after having been found guilty during a 1½-day trial of aggravated sexual abuse which took place within the exterior boundaries of the Crow Indian Reservation.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

JEREMIAH PAUL STEWART

On October 28, 2009, JEREMIAH PAUL STEWART, a resident of Crow Agency, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 3 years

STEWART was sentenced in connection with his guilty plea to robbery.

In an Offer of Proof filed by Assistant U.S. Attorney Lori Harper Suek, the government stated it would have proved at trial the following:

On August 30, 2006, at approximately 10:30 p.m., law enforcement was advised of a robbery in progress at the TeePee Service, a convenience store in Crow Agency, located within the exterior boundaries of the Crow Indian Reservation. The clerk advised that the robber fled in a blue, two-door car and provided the direction in which the car drove.

The car, which belonged to a relative, was taken before the robbery without permission by STEWART and his cousin, Joral Stewart.

When interviewed, Joral stated that on the day of the robbery, he was drinking alcohol with STEWART at the car owner's house. Joral admitted that he and STEWART took the car after the owner passed out. Joral also admitted that he was the driver. While driving in Crow Agency, STEWART said that he wanted to rob a store. He then said, "let's go rob that store," referring to the TeePee Service. Joral responded that he did not want to, but he drove STEWART to the store. STEWART grabbed an old shirt from the back seat, ripped the shirt, and tied the cloth over his face. STEWART then grabbed a toy gun that was in the car. Joral parked the car on the west side of the store. STEWART got out of the car and asked Joral to wait.

Joral watched STEWART go into the store wearing a mask and carrying the toy gun. He saw STEWART talk to the clerk and point the gun at the clerk. Joral then saw the cashier wrestling with STEWART. He thought STEWART was caught, so he put the car in reverse and drove away. As he was driving, he heard someone yell "stop." In the rearview mirror, he saw STEWART running. Joral then stopped and let STEWART get into the car before driving off.

During the struggle with the clerk, STEWART lost the toy gun and the pieces of cloth covering his face and his shirt. The toy gun, recovered at the scene, was identified by the owner of the car as belonging to his son. DNA testing of the pieces of cloth and the shirt worn by the robber confirmed that the robber was STEWART.

The clerk also identified a photograph of STEWART as the robber. STEWART also made a statement to the owner of the car, after the robbery, that he had robbed the TeePee Service.

Joral Stewart pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

JORAL TREBOR SYRIL STEWART

On August 20, 2009, JORAL TREBOR SYRIL STEWART, a 21-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 3 years

STEWART was sentenced in connection with his guilty plea to accessory after the fact to the crime of robbery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 30, 2006, at approximately 10:30 p.m., law enforcement was advised of a robbery in progress at the TeePee Service, a convenience store in Crow Agency. The clerk advised that the robber fled in a blue, two-door car and provided the direction in which the car drove.

The alleged robber was identified as STEWART'S cousin. The car, which belonged to a relative, was taken before the robbery without permission by STEWART and his cousin.

When interviewed, STEWART stated that on the day of the robbery, he was drinking alcohol with his cousin at the car owner's house. He admitted that he and his cousin took the car after the owner passed out. STEWART admitted that he was the driver. While driving in Crow Agency, his cousin said that he wanted to rob a store once. He then said, "let's go rob that store," referring to the TeePee Service. STEWART responded that he did not want to, but he drove his cousin to the store. His cousin grabbed an old shirt from the back seat, ripped the shirt, and tied the cloth over his face. His cousin then grabbed a toy gun that was in the car. STEWART parked the car on the west side of the store. His cousin got out of the car and asked STEWART to wait.

STEWART watched his cousin go into the store wearing a mask and carrying the toy

gun. He saw his cousin talk to the clerk and point the gun at the clerk. STEWART then saw the cashier wrestling with his cousin. He thought his cousin was caught, so he put the car in reverse and drove away. As he was driving, he heard someone yell "stop." In the rearview mirror, he saw his cousin running. STEWART then stopped and let his cousin get into the car before driving off.

Witnesses at the scene would have testified that STEWART was the individual driving the get-away car.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Federal Bureau of Investigation.

BYRON B. YELLOWBEAR JR.

On February 18, 2009, BYRON B. YELLOWBEAR JR., a 29-year-old resident of Crow Agency and Wyoming, was sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$100
- Supervised Release: 5 years

YELLOWBEAR was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

YELLOWBEAR was released from the Crow Tribal Jail during the afternoon of October 12, 2005, after being detained for a domestic violence charge involving this same victim. YELLOWBEAR walked to the home of the victim in Crow Agency and walked in the front door. YELLOWBEAR and the victim, who share two young children ages 1 and 2, were estranged at the time. The victim, who was at home with her two young children, heard someone walk into her home and then saw YELLOWBEAR.

YELLOWBEAR and the victim began arguing almost immediately. YELLOWBEAR then slapped the victim, pushed her, and threw objects around the living room. The victim, concerned because of past violent behavior on the part of YELLOWBEAR, tried to calm him down by apologizing and telling him that she loved him. YELLOWBEAR forced the victim into a bedroom, but she was able to get her children into the room and lock the door with a chain lock. YELLOWBEAR pushed against the door until the chain broke.

YELLOWBEAR pushed the victim onto the bed, called her names, and told her that he would finish her off. Although the victim told YELLOWBEAR no, he laid down on top of

her, forced himself between her legs, and engaged in intercourse with the victim. During intercourse, the victim continued to fight and yell.

YELLOWBEAR then walked out of the bedroom. The victim followed and grabbed the phone to call the police. YELLOWBEAR took the phone, broke the phone, and then pushed and slapped the victim. YELLOWBEAR eventually left the house.

The victim was examined by medical personnel and a sexual assault examination was performed. DNA extracted from swabs taken from the victim's vaginal area matched DNA extracted from a blood sample taken from YELLOWBEAR.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

INDIAN COUNTRY - FORT BELKNAP RESERVATION

FELIPE ARRIAGA

On December 17, 2009, FELIPE ARRIAGA, a 29-year-old resident of Washington, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

ARRIAGA was sentenced after having been found guilty during a 1-day trial of conspiracy to distribute methamphetamine within the exterior boundaries of the Fort Belknap Indian Reservation.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation, the Bureau of Indian Affairs, the Havre Police Department, and the Safe Trails Drug Task Force.

WALLACE JOHN BEAR

On January 8, 2009, WALLACE JOHN BEAR, a 26-year-old resident of Fort Belknap, was sentenced to a term of:

- Prison: life
- Special Assessment: \$100

- Restitution: \$1,500
- Supervised Release: 5 years

BEAR was sentenced in connection with his guilty plea to second degree murder.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the early hours of February 21, 2008, a group of people, including BEAR, were drinking alcohol at a home located on the Fort Belknap Indian Reservation.

At some point an altercation ensued between the victim and BEAR'S brother. Bystanders eventually stopped the altercation and the two men were separated from each other. From that point forward, the victim posed no threat to BEAR, his brother, or anyone else at the party.

BEAR'S brother showed his injuries to BEAR. BEAR looked at the victim, who was standing nearby. BEAR then pulled out a knife and stabbed the victim in the chest several times in a back-handed fashion. The injuries which ensued from the stabbing killed the victim.

BEAR and his friends and family members left the house and walked to a residence at another location. En route to that residence, a member of the group observed BEAR wrap the knife in a handkerchief and put it in his pants pocket. Later, BEAR walked behind the group while it continued the trek to the other residence. During this time BEAR may have disposed of the knife, which was not recovered by investigators.

The group went to another residence where they ultimately fell asleep. BEAR was apprehended at that residence and arrested.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

NORMAN JUNIPER BELL

On October 26, 2009, NORMAN JUNIPER BELL, a 25-year-old resident of Hays/Lodgepole, was sentenced to a term of:

- Prison: 32 months
- Special Assessment: \$100
- Supervised Release: 3 years

BELL was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by Assistant U.S. Attorney Rebekah J. French, the government stated it would have proved at trial the following:

At approximately 5:00 a.m. on March 13, 2009, BELL rolled his truck after failing to negotiate a curve while driving south on Fort Belknap Road 345, which is within the exterior boundaries of the Fort Belknap Reservation. His passenger was thrown from the truck and suffered numerous injuries, the most serious of which were C-spine fractures with associated spinal cord injuries, rendering her quadriplegic.

BELL and the victim had both begun drinking the previous evening and friends would have testified that they both appeared very intoxicated. The investigating officer would have testified that the crash occurred as a result of the driver's carelessness, excessive speed, and possible driver inattentiveness. The officer also noted in his report that he suspected alcohol and drugs to be contributing factors. BELL'S blood alcohol concentration two hours after the accident was .14.

The investigation was a cooperative effort between the Montana Highway Patrol, the Fort Belknap Tribal Law Enforcement, and the Federal Bureau of Investigation.

EMERSON PAUL BIRDTAIL II

On March 12, 2009, EMERSON PAUL BIRDTAIL II, a 22-year-old resident of Harlem, was sentenced to a term of:

- Prison: 31 months
- Special Assessment: \$100
- Supervised Release: 3 years

BIRDTAIL was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Around 10:00 p.m., on September 5, 2007, Fort Belknap Law Enforcement Services officers arrested BIRDTAIL for fighting. The arresting officers transported BIRDTAIL to the police department and placed him in a holding cell with another male individual who was sleeping on a mattress on the floor.

Almost immediately after BIRDTAIL was placed in the holding cell, officers monitoring the cell observed BIRDTAIL kicking the victim in the face. Although the officers rushed to the cell and restrained BIRDTAIL as quickly as possible, the victim suffered a broken jaw as a result of BIRDTAIL'S attack.

On September 13, 2007, when interviewed, BIRDTAIL admitted to the assault.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Belknap Law Enforcement Services and the Federal Bureau of Investigation.

KYLE WEBSTER BROCKIE

On May 11, 2009, KYLE WEBSTER BROCKIE, a 25-year-old resident of Hays, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 3 years

BROCKIE was sentenced in connection with his guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 6, 2008, at approximately 3:40 a.m., BROCKIE placed a 911 call in which he stated that he had accidentally shot his step-daughter, Alimeda.

A Fort Belknap Tribal Police officer was the first person to arrive at the BROCKIE home in response to the 911 call. He stayed at the BROCKIE home to secure the crime scene after other officers took Alimeda to meet the ambulance.

While the officer was in the residence with BROCKIE and his common-law wife, BROCKIE confessed to loading the .243 caliber rifle and contemplating suicide. According to BROCKIE, the rifle went off when BROCKIE'S wife came into the room where he was sitting with the rifle, and pulled it away from him. The shot went through the wall and into the adjacent room where Alimeda was sleeping. BROCKIE showed the officer the rifle, which was in the closet of the room from which the shot was fired. BROCKIE also handed the officer an empty shell casing.

Alimeda was transported to the hospital in Great Falls where doctors attempted to surgically repair her wounds. She succumbed to her injuries and died in the hospital shortly after 1:00 p.m. on April 6, 2008.

BROCKIE was taken into tribal custody at approximately 4:30 a.m. on the day of the shooting. A Breathalyzer test revealed a .102 alcohol level, and a urine screen found methadone, benzodiazepines, opiates, propoxyphene, and oxycodone present. BROCKIE admitted to the person treating him that he was addicted to narcotics and potentially suffering from withdrawal, as he had been a chronic opiate user for the last two months.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Belknap Tribal Police and the Federal Bureau of Investigation.

SHERMAN JOSEPH LAVALLIE, JR.

On October 26, 2009, SHERMAN JOSEPH LAVALLIE, JR., a 19-year-old resident of Harlem, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: life

LAVALLIE was sentenced in connection with his guilty plea to abusive sexual contact.

In an Offer of Proof filed by Assistant U.S. Attorney Rebekah J. French, the government stated it would have proved at trial the following:

In February of 2008, LAVALLIE began living with his grandmother on the Fort Belknap Indian Reservation. LAVALLIE'S grandmother has a granddaughter, H.L., who was born in 1998. H.L. often visited her grandmother during the time LAVALLIE was living in the grandmother's home.

LAVALLIE'S grandmother arrived home around 6:30 p.m. on February 19, 2009, and found H.L. alone in the house with LAVALLIE. The next day, H.L. told the assistant principal at her school that LAVALLIE had been touching her in places she did not want to be touched. According to H.L., she sometimes went into LAVALLIE'S room to watch television while visiting her grandmother. While she and LAVALLIE were in his room, LAVALLIE put his hand up her shirt and touched her chest. He also touched her genitalia area, over her pants. This had been happening for about a year before H.L.'s disclosure to the assistant principal at her school – most recently on February 19, 2009, the day before her initial disclosure.

When interviewed, LAVALLIE admitted to touching H.L. in the area of her breasts and genitalia on four separate occasions between February of 2008 and February of 2009.

The investigation was a cooperative effort between the Fort Belknap Tribal Law Enforcement and the Federal Bureau of Investigation.

JESSE MICHAEL MAIN

On February 5, 2009, JESSE MICHAEL MAIN was sentenced to a term of:

- Prison: 42 months

- Special Assessment: \$100
- Supervised Release: 3 years

MAIN was sentenced in connection with his guilty plea to assault with a dangerous weapon and assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Shortly after midnight on February 15, 2008, the victim's aunt returned to her residence on the Fort Belknap Indian Reservation, accompanied by MAIN. When MAIN and the victim's aunt arrived at the house, the victim, G.D., was there with a friend.

All four then went into the aunt's room to drink and socialize to avoid waking up G.D.'s father, juvenile brother, and infant sister, who were sleeping in a spare bedroom.

Although G.D. was somewhat upset with MAIN because MAIN had subjected G.D.'s younger brother to a beating two or three weeks prior to February 15, 2008, the aunt was initially able to maintain the peace between MAIN and G.D.. As they all continued to drink into the early morning hours, G.D. became increasingly angry with MAIN. Around 5:00 a.m., G.D. and MAIN went into the living room and began to fight. G.D. initiated the fight and punched MAIN approximately five times before MAIN fell to the floor, at which point G.D. kicked MAIN in the face.

The fight ended after G.D. kicked MAIN and G.D.'s father came into the living room and instructed his son to come back into the bedroom and go to sleep. G.D. went with his father and MAIN went into the bathroom to clean up as his lip and nose were bleeding. The sight of his facial injuries, combined with the pain he was suffering, caused MAIN to become upset. MAIN went into the kitchen and got a kitchen knife which he placed in his pocket. MAIN later told law enforcement that he had planned to confront G.D. and use the knife only as a last resort. MAIN went into the bedroom to confront G.D. When G.D. got up, MAIN stabbed him in the chest and head. G.D.'s father witnessed the assault and took the knife away from MAIN. He gave it to G.D.'s aunt, who apparently threw it outside where it was recovered by law enforcement.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DALLAS JAMES WALKER

On January 29, 2009, DALLAS JAMES WALKER, a 21-year-old resident of Fort Belknap, was sentenced to a term of:

- Prison: 78 months

- Special Assessment: \$100
- Supervised Release: 3 years

WALKER was sentenced in connection with his guilty plea to voluntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 30, 2008, at approximately 11:15 p.m., Fort Belknap Tribal Police officers on patrol found the victim, D.J.A., lying in a pool of blood in the driveway of WALKER'S residence in the Rodeo Housing complex, which is located within the exterior boundaries of the Fort Belknap Indian Reservation.

On March 31, 2008, when initially questioned, WALKER denied stabbing D.J.A. and then said that D.J.A. had pulled out a knife while they were fighting and that he took the knife away from D.J.A. and stabbed D.J.A. in self-defense. WALKER then assisted the FBI in locating the knife used in the stabbing and the FBI was able to determine that the knife belonged to WALKER. When confronted with this information, WALKER admitted the knife was his and that he stabbed D.J.A. in order to avoid losing the fight.

Other testimony would have been presented by WALKER'S brother, who witnessed the fight between WALKER and D.J.A. and a Forensic Examiner in the FBI's DNA Analysis Unit who would have testified that D.J.A.'s DNA was found on clothing worn by WALKER.

The doctor who performed D.J.A.'s autopsy would have testified that D.J.A. died as the result of five stab wounds, including one to his head.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Belknap Tribal Police.

INDIAN COUNTRY - FORT PECK RESERVATION

JEREMY LESLIE ADAMS

On December 21, 2009, JEREMY LESLIE ADAMS, a 35-year-old resident of South Dakota, was sentenced to a term of:

- Prison: 200 months
- Special Assessment: \$100
- Supervised Release: 20 years

ADAMS was sentenced after having been found guilty of sexual abuse on the Fort Peck Indian Reservation during a 2-day trial. Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribes Criminal Investigation Division.

RAYMOND D. BEAUCHMAN

On February 11, 2009, RAYMOND D. BEAUCHMAN, a 63-year-old resident of Wolf Point, was sentenced to a term of:

- Probation: 4 years
- Special Assessment: \$100
- Restitution: \$2,500

BEAUCHMAN was sentenced in connection with his guilty plea to theft from an Indian gaming establishment.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 12, 2007, the General Manager for the Silver Wolf Casino in Wolf Point reported that the Silver Wolf Casino had recently completed an audit and discovered a loss of \$21,845.61. The loss was first discovered by the casino's bookkeeper. The bookkeeper told the General Manager that the money count for some of the casino's slot machines came up with money shortages and/or money overages.

In September 2006, when the bookkeeper had initially discovered the missing money, she had mentioned it to the General Manager, who at that time was "D.C." (later identified as a co-conspirator).

At the time, D.C. represented to the bookkeeper that the losses were not in fact losses, but the result of machine malfunctions. Accepting that explanation, the bookkeeper assumed that there was no actual financial issue with the operation of the gaming facility. However, when the bookkeeper returned to the casino after two months of being absent, she noticed the losses had increased significantly, and the amounts missing were in even dollar amounts, for example \$100, \$200 and \$500. These amounts could no longer be explained away as mechanical failures. The same machines kept showing short. These machines were played regularly and were in an area where the security cameras could not adequately record the activities. The bookkeeper found that BEAUCHMAN, the assistant manager of the casino beginning in 1992, was only conducting weekly audits (instead of the required daily audits), and was not recording the losses. An in-depth review showed the losses dated back as far as October 2006.

BEAUCHMAN'S duties consisted primarily of conducting money counts in the mornings and spending the rest of the day tending to managerial duties. Money counts were conducted with a security person. Once the money count was completed, the results were reported to the bookkeeper. When BEAUCHMAN initially heard about the amount of money lost, he did not believe that it was \$20,000, he believed it was closer to \$10,000.

On January 16, 2008, BEAUCHMAN was interviewed by the FBI. Although BEAUCHMAN initially maintained that he had never stolen any funds from the Silver Wolf Casino, he later confessed that he was responsible for stealing approximately \$2,500 from the casino. BEAUCHMAN stated that he stole the money between January 2007 and July 2007. BEAUCHMAN stated he regularly stole small quantities of cash from the "video box."

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Glasgow.

**AARON WAYDE BESTON and KENNETH DEVEREAUX
(BESTON & DEVERAUX)**

On August 31, 2009, AARON WAYDE BESTON, age 22, and KENNETH DEVEREAUX, age 21, residents of Wolf Point, appeared for sentencing.

BESTON and DEVEREAUX were each sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Restitution: \$875
- Supervised Release: 3years

BESTON was sentenced in connection with his guilty plea to involuntary manslaughter.

DEVEREAUX was sentenced in connection with his guilty plea to aiding and abetting involuntary manslaughter.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

On February 7, 2008, BESTON and DEVEREAUX assaulted a male individual in Wolf Point, which is within the exterior boundaries of the Fort Peck Indian Reservation. Two days later, the individual died as a result of the assault. BESTON and DEVEREAUX had assaulted the individual because he had made advances toward a female who was with them when they stopped at her uncle's home.

DEVEREAUX had knocked the individual to the ground with a blind-side hit to the face. Both BESTON and DEVEREAUX continued to hit and kick the individual once he was on the ground.

When questioned by law enforcement, DEVEREAUX admitted that he hit the individual but denied further hits or kicks once he was down.

When questioned by law enforcement, BESTON admitted that he kicked the individual while he was on the ground.

Two females who were with BESTON and DEVEREAUX and watched the assault, would have testified that they saw both BESTON and DEVEREAUX hit and kick the individual after he fell to the ground. They stated that the individual did not defend himself. They further stated that they returned later to the assault sight where BESTON and DEVEREAUX helped the individual into a mobile home. Residents of the mobile home called for an ambulance.

The physician who performed the autopsy on the individual would have testified that the cause of death was an acute injury which caused the individual's colon to tear. He also stated that the injury is consistent with the individual being punched or kicked very hard.

The investigation was a cooperative effort between the Fort Peck Tribes Department of Law & Justice and the Federal Bureau of Investigation.

HAROLD DEAN DUPREE

On September 18, 2009, HAROLD DEAN DUPREE, a 54-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 160 months
- Special Assessment: \$100
- Restitution: \$3,950
- Supervised Release: 3 years

DUPREE was sentenced in connection with his guilty plea to voluntary manslaughter.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

At about 11:00 p.m. on June 21, 2008, the victim, E.W., another male individual, R.F., and two females pulled into the yard of H.F.'s mother's house where he and his girlfriend also lived. H.F.'s mother is DUPREE'S sister. The four stayed in the yard for a while, talking and drinking beer.

That same evening, DUPREE was visiting his son at a residence across the alley from

the R.F. home. DUPREE had no fixed residence and was at the time staying with his sister. DUPREE had also been drinking. He and his wife were in their car close to where H.F.'s car was parked.

DUPREE yelled something at the four, and E.W. responded. DUPREE told E.W. that if he didn't get away from his window that he would "cut off his head." DUPREE got out of his car and he and E.W. began arguing. R.F. told DUPREE to leave because his mother was home and DUPREE was not to be around the R.F. home when he was drunk. R.F. got between the two men and told them to knock it off. E.W. took off his shirt and hat and told DUPREE, "If you want to fight, let's go." He then pushed past R.F., and E.W. and DUPREE began to push and shove each other. DUPREE went to the ground. E.W., however, had been stabbed in the left side of his chest and blood was flowing freely from the wound. E.W. staggered to H.F.'s car and collapsed.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribes Criminal Investigation Division.

DAVID ARLYN CAMPBELL

On February 19, 2009, DAVID CAMPBELL, a 50-year-old resident of Wolf Point, was sentenced to a term of:

- Probation: 4 years
- Special Assessment: \$100
- Restitution: \$3,500

CAMPBELL was sentenced in connection with his guilty plea to theft from an Indian gaming establishment.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 12, 2007, the General Manager for the Silver Wolf Casino in Wolf Point reported that the Silver Wolf Casino had recently completed an audit and discovered a loss of \$21,845.61. The loss was first discovered by the casino's bookkeeper. The bookkeeper told the General Manager that the money count for some of the casino's slot machines came up with money shortages and/or money overages.

In September 2006, when the bookkeeper had initially discovered the missing money, she had mentioned it to CAMPBELL, who was the General Manager at the time, but was later replaced.

At the time, CAMPBELL represented to the bookkeeper that the losses were not in fact losses, but the result of machine malfunctions. Accepting that explanation, the bookkeeper assumed that there was no actual financial issue with the operation of the

gaming facility. However, when the bookkeeper returned to the casino after two months of being absent, she noticed the losses had increased significantly, and that the amounts missing were in even dollar amounts, for example \$100, \$200 and \$500. These amounts could no longer be explained away as mechanical failures. The same machines kept showing short. These machines were played regularly and were in an area where the security cameras could not adequately record the activities. The bookkeeper found that Raymond Beauchman, the Assistant Manager, was only conducting weekly audits (instead of the required daily audits), and was not recording the losses. An in-depth review showed the losses dated back as far as October 2006.

CAMPBELL worked at the casino for approximately 17 years, and was the Night Shift Supervisor beginning in October 2006. CAMPBELL was the Acting Casino Manager from March 2005 until the Casino Manager was hired for the position in October 2006. CAMPBELL informed investigators that the casino has a long history of employees stealing from it, and he was not surprised to learn of the missing money in October 2007.

On January 15, 2008, CAMPBELL was interviewed by the FBI. Although he initially maintained that he had never stolen any funds from the Silver Wolf Casino, CAMPBELL ultimately admitted that he was responsible for stealing approximately \$3,500 from the casino. CAMPBELL stated that he stole the money between July 2005 and November 2007. CAMPBELL recalled stealing amounts of \$55 and \$200. CAMPBELL stated he regularly stole small quantities of cash from the secure "count room" to which he possessed a key.

Beauchman pled guilty to federal charges and has been sentenced.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Glasgow.

CHANNING EDER

On January 8, 2009, CHANNING EDER, a 20-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$100
- Supervised Release: 3 years

EDER was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the early morning hours of February 21, 2007, at a residence in Wolf Point, EDER punched and kicked N.R.T. a number of times in various places, including N.R.T.'s head.

The treating physician would have testified that N.R.T. suffered a severe traumatic brain injury and required urgent cranial surgery on February 24, 2007. The physician would also have testified to the seriousness of the brain injury, due to the substantial risk of death and the protracted loss of brain functioning.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

CHANNING EDER

On January 8, 2009, before U.S. District Judge Sam E. Haddon, CHANNING EDER, was sentenced to a term of:

- Prison: 84 months, consecutive to his sentence for assault resulting in serious bodily injury
- Special Assessment: \$100
- Restitution: \$
- Supervised Release: years

EDER was sentenced in connection with his guilty plea to use of a firearm during the commission of a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the evening of October 8, 2007, EDER went to his mother's home in Wolf Point where EDER'S uncle was visiting his mother. EDER and his uncle got into an argument because his uncle suspected EDER of breaking the windshield of his uncle's car. EDER, who was wearing a bulletproof vest, pulled a .380 semi-automatic handgun and pointed it at his uncle while demanding that he give him money. His uncle gave EDER \$30 and a small bag of marijuana.

When questioned, EDER admitted that he pulled the gun when his uncle refused to give him money or drugs and then took the money and marijuana from him.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

JAMES REES EDER

On December 28, 2009, JAMES REES EDER, a resident of Poplar, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Restitution: \$750
- Supervised Release: 3 years

EDER was sentenced in connection with his guilty plea to burglary.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

EDER is an enrolled member of the Sioux Indian Tribe and resides on the Fork Peck Indian Reservation.

On December 3, 2005, officers from the Roosevelt County Sheriff's Office responded to a home near Poplar, which is within the exterior boundaries of the Fort Peck Indian Reservation, to investigate the report of a burglary.

Upon arrival, the officers discovered that firearms and other property had been stolen and vandalized. The acts of vandalism included gun shots to locks on a door and a gun safe, and slashed tires and a broken window on a car. The officers recovered several .270 Winchester cartridge casings from the scene.

One of the deputies later learned that an associate of EDER'S had pawned a rifle at a sporting goods store in Poplar. The deputy executed a search warrant and seized a Remington .270-caliber rifle, model 710. Analysis by the Montana State Crime Lab indicated that the cartridge casings recovered at the scene of the December 3, 2005 burglary had been fired by the seized Remington rifle.

Both EDER and the other individual were interviewed about the burglary. The other individual stated that the burglary was EDER'S idea, but admitted breaking into the house and stealing the missing property. The individual also stated that EDER used his .270 rifle to shoot the locks in the house.

EDER claimed that he could not remember the burglary. He said he did remember the other individual suggesting that they break into a house while the two were drinking, but that he blacked out before entering the house. He woke up later at his house with two handguns on the floor that did not belong to him.

The victim of the burglary reported that two handguns were stolen – a Desert Eagle .44 magnum and a .357 revolver. EDER said he asked the other individual what happened

and he told him that they burglarized a house.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Roosevelt County Sheriff's Office.

MALCOLM A. GOOD BIRD

On December 17, 2009, MALCOLM A. GOOD BIRD, a 39-year-old resident of Poplar, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$100
- Supervised Release: 3 years

GOOD BIRD was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by Assistant U.S. Attorney Carl E. Rostad, the government stated it would have proved at trial the following:

During the evening of March 21, 2008, A.C.T. and S.B. went to the victim's residence in Poplar, which is within the exterior boundaries of the Fort Peck Indian Reservation, to drink beer with the victim. S.B. was very drunk and passed out.

About 30 minutes later, GOOD BIRD arrived. (GOOD BIRD and A.C.T. lived together and A.C.T. had previously dated the victim).

GOOD BIRD and A.C.T. began arguing. The victim tried to break up the fight and GOOD BIRD hit the victim in the head with a whiskey bottle. A.C.T. ran out of the residence. GOOD BIRD hit the victim several more times and then followed A.C.T. GOOD BIRD also hit A.C.T. in the face, causing her nose to bleed. They then went home.

S.B. woke up and saw the victim sitting in a chair with blood all over his head and face. S.B. went home and told his wife about the victim's injuries and she called 911.

The victim was taken by ambulance to the Northeast Montana Health Services Hospital in Poplar. Due to the extent of his injuries and blood loss, the victim was life-flighted to the Billings Clinic Hospital in Billings. The victim received two blood transfusions due to blood loss from a fractured right jaw, broken nose, and left orbital blowout fracture. The victim was operated on to fix his jaw fracture.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribal Police.

CHARLES GOOD SOLDIER JR.

On January 29, 2009, CHARLES GOOD SOLDIER JR., a 29-year-old resident of Poplar, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$100
- Supervised Release: 3 years

GOOD SOLDIER was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Shortly before noon on March 22, 2006, as a male individual was leaving his residence in Poplar, he heard a man screaming “call the cops” and “someone’s been stabbed.” He went next door and asked the person screaming who had been stabbed. The screaming person identified the stabbing victim.

The male individual saw the victim walk out of the residence holding his neck. The victim’s clothing appeared to be covered in blood. Shortly thereafter, GOOD SOLDIER walked out of the home and collapsed in front of the door. The screaming person yelled at GOOD SOLDIER, “you stabbed Blackie” and ran over and began to kick GOOD SOLDIER as he lay on the ground. The male individual separated the two men and called dispatch for an ambulance.

The victim was taken by ambulance to Poplar Community Hospital where an examination revealed six stab wounds ranging from two to three centimeters in depth. The treating physician would have testified that the neck and abdominal wounds created a substantial risk of death due to potential blood loss.

When GOOD SOLDIER was interviewed, he stated that he was too drunk to remember much about the incident. He remembered being in a residence located on the Fort Peck Reservation and getting into a fight with the victim. Although GOOD SOLDIER did not remember stabbing the victim, he admits that he is capable of stabbing someone when he is drunk. GOOD SOLDIER also admitted having told his grandmother shortly after the incident that he thought he stabbed the victim.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribes Criminal Investigation Division.

STEVEN LEE GRAY HAWK

On April 13, 2009, STEVEN LEE GRAY HAWK, a 31-year-old resident of Poplar, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 3 years

GRAY HAWK was sentenced in connection with his guilty plea to assault on a federal officer and assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 29, 2007, a Fort Peck Tribal officer was dispatched to a trailer house in Poplar, on the Fort Peck Indian Reservation. As he approached, he observed two men get out of a pickup truck parked on the street and flag him down. The officer recognized one of the men. The men told the officer that GRAY HAWK, commonly referred to as "Mousey," had a gun and was discharging it in a nearby alley.

As the officer drove his patrol car down the alley, he encounter "Mousey" GRAY HAWK. GRAY HAWK was carrying a long gun, which at that time, could not be further identified because the officer immediately ducked down, put his car in reverse, and began to retreat from the alley. As the officer was backing up, he peeked over the dash to see GRAY HAWK raise the gun to his shoulder, whereupon the officer again ducked down. He then heard a shot fired which did no damage to him or his vehicle. The officer then radioed for back-up assistance from other officers. An examination of the officer's vehicle after the incident revealed nine pellet dents caused by the shooting.

Several officers then arrived in response and observed GRAY HAWK in the yard of his younger brother's home still holding the firearm, which was later determined to be a black, police-style shotgun – a 12 gauge Remington 870 Express.

As two other officers approached in another vehicle, GRAY HAWK pointed the firearm at their vehicle. The driver immediately put the vehicle in reverse and backed away from the scene. The officers heard the shotgun being discharged. The officer stopped the car about 200 feet from GRAY HAWK. GRAY HAWK again raised the shotgun to his shoulder and pointed it at the officers, so the officer backed the car up even further from the scene. The officers heard GRAY HAWK fire again. GRAY HAWK then lowered the shotgun and began walking down the street firing shells from the shotgun.

GRAY HAWK stopped at his brother's house and walked into the back yard. When he reappeared, he was still carrying the shotgun. One of the officers then got out of his car and ordered GRAY HAWK to put down the shotgun. GRAY HAWK threw the weapon

down but then immediately retrieved it and fired another round. As he approached the officer, GRAY HAWK repeatedly yelled "Kill me, Kenny" or, alternatively, "Kill me, Willard." The officer renewed his command to GRAY HAWK that he drop the firearm. GRAY HAWK repeated his earlier action – he threw the weapon to the ground, then advanced and picked it up, and then discharged it to the southwest of his brother's residence. Finally, GRAY HAWK tossed the weapon away and walked to the officer.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribes Criminal Investigation Division.

JENNIFER LEE JONES

On January 5, 2009, JENNIFER LEE JONES, a 20-year-old resident of Poplar, was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 3 years

JONES was sentenced in connection with her guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 29, 2007, at approximately 4:00 a.m., law enforcement officers from the Roosevelt County Sheriff's Office and the Fort Peck Tribes responded to a reported stabbing in Poplar. When the officers arrived at the house from which the call originated, they found two witnesses standing next to a female, hereafter referred to as W.E., who had four puncture wounds on her back. W.E. reported that she had been stabbed by JONES.

One witness told officers that he witnessed JONES stab W.E. The second witness told officers that JONES had bragged about stabbing W.E. and laughed about it.

Two additional witnesses observed JONES come down from Cain's Hill. JONES then went into her brother's house and left with a knife in her hand. They also heard JONES make statements about stabbing W.E. Only one of these witnesses saw JONES return from Cain's Hill. That witness heard JONES state that she stabbed W.E.

When officers located JONES, she had blood on her clothes. Some of the blood on her clothes was confirmed to be W.E.'s through laboratory testing.

When interviewed, JONES admitted arguing with W.E. at Cain's Hill near Poplar. She stated she retrieved a knife from her brother's house and then returned to Cain's Hill to fight W.E. She further stated that she swung the knife at W.E. but did not recall if she struck her. JONES also stated she tried to stab W.E. because she was angry with her.

W.E. suffered four stab wounds to her upper back. Both lungs were punctured. According to the medical report, there was blood around her left lung, and her right lung had a partial collapse. W.E. had two chest tubes inserted due to the punctured lungs. The chest tubes were removed on July 4, 2007.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Roosevelt County Sheriff's Office, the Fort Peck Tribes Criminal Investigation Division, and the Federal Bureau of Investigation.

ANTHONY D. MELBOURNE

On June 25, 2009, ANTHONY D. MELBOURNE, a 22-year-old resident of Poplar, was sentenced to a term of:

- Prison: 168 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: \$3,106.32
- Supervised Release: 5 years

MELBOURNE, an Indian person, was sentenced in connection with his guilty plea to second degree murder.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 3, 2002, just after midnight, MELBOURNE, and two other individuals, W.R.S. and M.E., were standing near 802 D Street East in Poplar on the Fort Peck Indian Reservation. At the same time, another individual, W.M., was driving his car and turned onto D Street. He was flagged down by MELBOURNE and M.E. W.M. had a short conversation with MELBOURNE and M.E., and then began to drive away. As he pulled away, MELBOURNE reached in through the driver's side window and stabbed W.M. in the left bicep. Shortly thereafter, W.M. went to the hospital and received three stitches to close the wound to his bicep.

Just after MELBOURNE stabbed W.M., 19-year-old J.L., an Indian person, rode his bicycle past 802 D Street East. MELBOURNE, M.E., and W.R.S. were still present at that location. MELBOURNE had fought in the past with J.L., and MELBOURNE had vowed to get even with him.

As J.L. passed by, MELBOURNE said something to him. J.L. stopped and got off of his bicycle. MELBOURNE then attacked J.L. M.E. and W.R.S. joined in the attack against J.L. J.L. had no weapons.

During the fight, MELBOURNE stabbed J.L. with a knife multiple times all over J.L.'s body. MELBOURNE continued to stab J.L. while J.L. was calling for help and trying to get away. M.E. and W.R.S. also had a knife and stabbed J.L.

J.L. eventually got away from MELBOURNE and went down the street four houses to his father's house, leaving a trail of blood. MELBOURNE left after stabbing J.L.

At 12:33 a.m., a Roosevelt County Sheriff's deputy was dispatched to D Street following a report of an assault on someone riding a bike. After reaching D Street, the deputy observed J.L.'s body slumped on the steps leading into J.L.'s father's house. The deputy approached J.L. and noticed that one of J.L.'s eyes was closed and the other one was partially open.

The deputy heard a grunting sound come from J.L.'s body. The deputy felt for a pulse and could not find one. J.L. was transported to the Poplar Community Hospital, arriving there at 12:50 a.m. Efforts were made to resuscitate him, but they were not successful. J.L. was pronounced dead at 1:02 a.m. Following his death, fourteen stab wounds and eight distinct slash wounds were observed on J.L.'s body. One of the stab wounds pierced J.L.'s heart and caused a rapid death.

W.M. was at the hospital receiving treatment for the stab wound that MELBOURNE had inflicted on him when J.L. was pronounced dead. W.M. told a police officer at the hospital about MELBOURNE and M.E. The officers who were investigating J.L.'s death then began to look for them.

MELBOURNE was located a couple of blocks from D Street. Officers heard movement in a shed and saw MELBOURNE stick his head out of the shed. MELBOURNE was subsequently apprehended and his shoes were collected.

After apprehending MELBOURNE, officers searched the shed. A silver knife was located inside. The knife and MELBOURNE'S shoes were sent to the FBI laboratory for testing.

Blood was identified on one of MELBOURNE'S shoes. J.L.'s DNA was also identified on MELBOURNE'S shoe. Blood was identified on the knife that was found in the shed. J.L.'s DNA was also identified on the knife. In addition, MELBOURNE'S palm print was identified on the knife from the shed.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Roosevelt County Sheriff's

Office, the Federal Bureau of Investigation in Glasgow, and the Fort Peck Tribes Criminal Investigation Division.

AMANDA ROSE OLSON

On September 23, 2009, AMANDA ROSE OLSON, a 23-year-old resident of Poplar, was sentenced to a term of:

- Prison: 11 months
- Special Assessment: \$100
- Supervised Release: 3 years

OLSON was sentenced in connection with her guilty plea to assault resulting in substantial bodily injury to a child under the age of 16.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 5, 2009, a Fort Peck Tribes Criminal Investigator informed the FBI that four-year-old "H" was the victim of child abuse by her mother, OLSON.

On February 21, 2007, BIA Social Services received a referral that "H" had been physically abused. Social Services representatives went to the residence in Poplar to examine her. "H" had multiple red marks and bruises on her arms, shoulders and back. When asked who had hit her, "H" said it was her mother. "H" was examined at the Fort Peck Health Center Outpatient Clinic. She had 13 marks varying in length from 1 to 6 inches in length and reported that her mother had hit her with a hanger.

When interviewed, OLSON admitted that she was mad at someone else in the home and grabbed a hanger to hit that person. OLSON claimed that "H" jumped around in front of her, further making OLSON mad, so she hit her with the hanger. OLSON reported that she knew she would be in trouble if she hit the other person, but didn't think she would get in trouble if she hit "H". There were two witnesses in the residence who saw OLSON hit "H" numerous times with the hanger, causing substantial bodily injury to her. Medical personnel opined that "H" suffered substantial bodily injury from OLSON'S assault.

Both OLSON and "H" are Indian persons, and the events occurred within the exterior boundaries of the Fort Peck Indian Reservation.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

HARRY PAUL THREE STARS

On March 9, 2009, HARRY PAUL THREE STARS, a 46-year-old resident of Poplar, was sentenced to a term of:

- Prison: 4 months
- Community Confinement: 4 months following his release from prison
- Special Assessment: \$100
- Restitution: \$27,500
- Supervised Release: 3 years

THREE STARS was sentenced in connection with his guilty plea to theft from an Indian gaming establishment by an employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In mid-2005, the comptroller for the Fort Peck Tribes provided documents to the FBI regarding the theft of funds from the Tribal Express, a Fort Peck Tribes owned business. The Fort Peck Tribes provides cash to the Tribal Express for use in making gaming payouts. The Tribal Express is required to replenish the funds used for gaming payouts to the gaming bank at the end of the day from the proceeds taken from all of the gaming machines. By contract, the remaining proceeds are split – sixty percent (60%) to the Fort Peck Tribes, and forty percent (40%) to the Tribal Express Store.

The comptroller had conducted a physical count of the \$25,000 gaming bank in the Tribal Express Store on April 8, 2005, and determined there was \$825.95 missing. The comptroller then reviewed bank statements for the Fort Peck Tribes and the Tribal Express Store and concluded that \$52,077.10 in cash (the forty percent earmarked for the Tribal Express), was not deposited to the benefit of the Tribal Express Store between January 7, 2005, and April 6, 2005. The Tribal Express Manager, THREE STARS, was the only person authorized to make the gaming deposits between January 7, 2005, and April 6, 2005. THREE STARS had worked for the Tribal Express as its manager since February 26, 2004.

When THREE STARS was hired as the manager of Tribal Express, a bookkeeper for Fort Peck, Inc., had assisted THREE STARS by explaining to him how to make up the deposits, count the tills, and reconcile to the gaming bank. After a few days, THREE STARS took over all responsibilities for these transactions including bank deposits.

The bookkeeper became suspicious that money was missing from Tribal Express when the accounts payable for Tribal Express kept increasing and there was no money in the Tribal Express' bank account to pay the vendors. Tribal Express got about \$500,000 behind in payments to their vendors. THREE STARS explained reported cash shortages by saying that he was holding back gaming cash and revenue because it was

needed to keep the gaming cash bank up for the weekend. THREE STARS told the bookkeeper that there were five deposits for gaming made in March 2005, and that there should have been ten or eleven. THREE STARS said that in February 2005, there were only three or four deposits for gaming made and there should have been eight or ten deposits.

THREE STARS explained that some of the money from the gaming bank was missing because one of his employees at Tribal Express put approximately \$7,555 in bad checks in the gaming bank. THREE STARS said that the employee cashed the checks through Tribal Express and the gaming cash during the time that he was the manager. THREE STARS stated that he did not cash the checks because he knew that the employee did not have the money in her bank account. THREE STARS said that on occasion, the employee would take out some of the bad checks and replace them with cash.

THREE STARS was interviewed and admitted that on April 7, 2005, when he was suspended from his position as manager of the Tribal Express, he was upset. Before leaving the store, THREE STARS said he stole \$2,500 from the cash box in a filing cabinet. THREE STARS said he spent the money on drugs. THREE STARS also admitted that an additional approximately \$25,000 was stolen from the Tribal Express between November 2004 and April 2005 to purchase drugs.

Review of records provided by the comptroller to the FBI for the time period of November 5, 2004, through April 6, 2005, show that funds from gaming activity totaling \$52,280.10 were not deposited into the Tribal Express' bank account. The dates in numbers in the chart are directly supported by bank statements and gaming drop sheets provided by the comptroller.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribes Criminal Investigation Division.

CORRINE ANN YELLOW OWL

On January 5, 2009, CORRINE ANN YELLOW OWL, a 41-year-old resident of Poplar, was sentenced to a term of:

- Prison: 32 months
- Special Assessment: \$100
- Supervised Release: 3 years

YELLOW OWL was sentenced in connection with her guilty plea to assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the mid-day hours of October 22, 2005, the victim and two others were in a van in front of a Poplar residence on the Fort Peck Indian Reservation. YELLOW OWL, in another vehicle, came up next to the van. YELLOW OWL told the victim that he could not leave because there was a warrant for his arrest and YELLOW OWL had called the police. The victim got back into the van and the van then began to leave the scene. YELLOW OWL, now out of her car, pulled open the van door and started swinging something at the victim. The victim was stabbed on the right forearm.

The victim was interviewed and told tribal police that he had been stabbed by his girlfriend, YELLOW OWL. He also confirmed that YELLOW OWL pulled up beside them, along with her passenger. YELLOW OWL told him that he had an outstanding warrant and that she had called police. The victim got back into the van and then YELLOW OWL ran up and started stabbing him in the forearm. The victim was unaware of what YELLOW OWL used to stab him.

Hospital medical records indicate that the victim was stabbed in the top of the right forearm. The stab wound required multiple stitches to close. The puncture wound went all the way through the forearm and came out the other side of his forearm.

Tribal officers went to YELLOW OWL'S home in Poplar. On the door, the officers saw a note addressed to YELLOW OWL'S passenger that said, "I went to town to kill (the victim)! U will find me there! Love, SIS."

When interviewed, YELLOW OWL admitted that she stabbed the victim on October 22, 2005. She said that it was in response to his beating her up and breaking her nose the day before. She stated she went to the hospital and was diagnosed with a broken nose. Hospital records confirm that YELLOW OWL was treated for a broken nose on October 21, 2005.

YELLOW OWL said that on October 22, 2005, she woke up and looked in the mirror. Her broken nose was swollen and bleeding and that this made her angry. She cleaned up the house and decided that she needed to kill him "before he killed her." She told officers that she was fearful that he would kill her, and she believed that police would not do anything to stop him. YELLOW OWL told her cousin that she was going to "find (the victim) and kill him before he finds me and kills me." YELLOW OWL then took a knife from her house and left to find him.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

BERNARD NOEL YOUPEE

On November 2, 2009, BERNARD NOEL YOUPEE, a 43-year-old resident of Brockton, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 10 years

YOUPEE was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by Assistant U.S. Attorney Marcia K. Hurd, the government stated it would have proved at trial the following:

In March of 2009, the FBI received information that in approximately 2002 or 2003, the victim, now age 16, had been sexually abused by YOUPEE when she was nine or ten years old. The victim reported that she had fallen asleep in the living room of the family residence in Brockton when YOUPEE laid down beside her and started touching her vaginal area underneath her underwear. She reported that on another occasion, YOUPEE put her up so she was sitting on the dryer, pulled down his pants and underwear and asked her to look at his penis. The victim refused and he did not touch her again.

The victim reported that she had recently been in a presentation at her school on dating violence and she began thinking again about what YOUPEE had done. It began to bother her and she wrote him a note saying that she had thought about it and it bothered her. YOUPEE texted the victim on her cell phone telling her not to tell anyone as he would get in trouble. The victim was concerned that he might do something to her little sister.

When questioned, YOUPEE admitted the sexual abuse, admitting that he had "touched her one time between her legs," and that the victim had said she did not like it so he stopped. He also admitted that he sent the text messages to her and said that he told her if she did not tell anyone, he would buy her a car.

Both the victim and YOUPEE are Indian persons and the events occurred within the exterior boundaries of the Fort Peck Indian Reservation.

The investigation was conducted by the Federal Bureau of Investigation.

INDIAN COUNTRY - NORTHERN CHEYENNE RESERVATION

JOHN ERNEST BELLY MULE

On March 19, 2009, JOHN ERNEST BELLY MULE, a 19-year-old resident of Lane Deer, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Supervised Release: 3 years, with 6 months of community confinement

BELLY MULE was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Law enforcement received a call during the early morning hours of May 4, 2008, that BELLY MULE was assaulting a woman at a house in Lane Deer. BIA officers responded and kicked open the front door because they heard a female crying and because of the nature of the call. They found BELLY MULE and the victim in the same room – no one else was in the room with them. The victim had blood on her arms and chest. BELLY MULE was bloody as well. The victim was transported to the emergency room because a portion of her lip was missing. Photographs were taken at the emergency room and then she was referred to Billings for further treatment.

When the victim was interviewed, she told the agents that on May 3 and 4, 2008, she and BELLY MULE were drinking. Because of her level of intoxication, the victim had a limited memory of what happened to her. At some point, she was fighting with BELLY MULE and then he pushed her, punched her in the back, and then ripped off her T-shirt. She then noticed that she had blood on her bra and neck, and she realized that he had bit her lip again. About a month or so before this assault, BELLY MULE had bitten her lower lip and she had to get stitches.

Later on May 4, 2008, BELLY MULE was interviewed. He stated that he and the victim had been in a relationship for approximately one year. The day before the interview, the victim was mad at BELLY MULE and at some point she left their house. He then began drinking vodka and brandy and has no memory of the victim returning to their home or the assault. When the agents told BELLY MULE that the victim was missing a piece of her lower lip, he told them that he had bitten her lip once before.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

TROY GARDNER

On March 12, 2009, TROY GARDNER, a 42-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 12 months and 1 day (time served)
- Special Assessment: \$100
- Supervised Release: 1 year

GARDNER was sentenced in connection with his guilty plea to abusive sexual contact.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 1, 2006 officers were dispatched to investigate a break-in at a residence located on the Northern Cheyenne Indian Reservation. Upon entering the residence, officers went to the back bedroom where they observed individuals in the bed. Officers found GARDNER passed out on top of a female. GARDNER was completely naked. The female was nude from the waist down with her bra and shirt pulled up to expose her breasts.

Officers tried several times to wake GARDNER, finally using a dry stun from a taser. GARDNER awoke and began to suck on the victim's breasts. After still not getting off the female, he was tased again, finally getting up and putting on his clothes. GARDNER was uncooperative and placed under arrest for intoxication until a further investigation could be conducted.

The victim was transported to the emergency room. Once medical personnel were done examining her, she was questioned by an officer. Her recollection of the evening was that she was drinking with her sister and her boyfriend, two other women, and GARDNER. She passed out at the kitchen table and could not remember anything until she woke up at the emergency room.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

KIMBERLY JOYCE HIWALKER

On February 19, 2009, KIMBERLY JOYCE HIWALKER, a 43-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 15 months and 4 days
- Special Assessment: \$100
- Restitution: To be determined at a later date
- Supervised Release: 3 years

HIWALKER was sentenced in connection with her guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 3, 2007, HIWALKER and her boyfriend went into her bedroom and closed the door at her residence in Lane Deer. At the time, HIWALKER'S three sons were in the house. At approximately 10:50 a.m., the boys heard a single gunshot from HIWALKER'S room. They ran to the room and saw HIWALKER laying on top of her boyfriend, the victim, screaming and crying. The room smelled of alcohol and gun powder. There was blood pooling on the floor and splattered on the wall. The victim was making gurgling sounds on the floor. He later died of a single gunshot wound to the head.

FBI agents arrived on the scene shortly after the shooting. During the course of the day agents also spoke to several witnesses.

In one interview, B.J. told agents that HIWALKER and the victim arrived home midmorning on November 3 after drinking all night. HIWALKER was crying and upset. She would not stop crying and B.J. and M.L.C. told her to go to bed. In another interview, M.L.C. gave a more detailed account of the morning's events. He told agents that he drove the victim and HIWALKER to Colstrip early on November 3. During the drive the victim and HIWALKER were arguing "off and on." They bought beer in Colstrip and returned to Lane Deer. After a few stops, they returned home, where they continued to fight in HIWALKER'S room, until M.L.C. heard the gunshot.

FBI agents interviewed HIWALKER several times, each time her statement varied. HIWALKER first told agents that she was in her room with the victim, they were not arguing or fighting. He began to wave his gun around and it just went off. HIWALKER reiterated that they were not fighting, and further explained that the victim was standing when the gun went off and she left the room and told M.L.C. that she thought the gun went off. Upon further questioning, HIWALKER told agents she was not telling the truth. This time she explained that she thought she would get shot, so she grabbed the gun when the victim waved it around. They wrestled with it and it fired. HIWALKER then changed her story and said that she took the gun away from the victim when he was waving it. She held it and it "went off" when the victim was standing in the room. HIWALKER later added that she was holding the gun and pointing it at the victim when it went off.

When questioned further about the facts of the shooting, HIWALKER again said she had not been truthful. In a recorded statement, she stated that the victim had threatened her about leaving him. He pulled out the gun and she took it away because she believed he was going to hit her. She admitted they had been arguing about the victim being a bad influence. When she took the gun away from him, the victim moved toward her and she "dropped down," pointed the gun at the victim, and pulled the trigger. She admitted this was a mistake and that there were other actions she could have taken, but she did not want to get hit.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

MONTE ARLEN PARKER, JR.

On July 8, 2009, MONTE ARLEN PARKER, JR., a 22-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Restitution: \$3,047
- Supervised Release: 3 years

PARKER was sentenced in connection with his guilty plea to robbery.

In an Offer of Proof filed by Assistant U.S. Attorney Lori Harper Suek, the government stated it would have proved at trial the following:

On the evening of November 23, 2008, agents were dispatched to the Cheyenne Depot store in Lame Deer, which is within the exterior boundaries of the Northern Cheyenne Indian Reservation, to investigate a robbery.

Upon their arrival, the two cashiers were interviewed. They stated that just before midnight, a man wearing a red bandana and women's sunglasses exited the bathroom. The man looked similar to PARKER, a former employee at the store. He had sprayed one of the cashiers in the face with pepper spray, causing her pain, while making threats to both of them. The man then proceeded to the cash registers and took approximately \$3,000 and left the store. Further investigation in the vicinity that PARKER fled was conducted and a pair of women's sunglasses similar to those worn by PARKER were recovered.

Interviews were conducted with PARKER'S girlfriend. In her second statement she disclosed that PARKER had told her he was going to rob the Cheyenne Depot and that he took a pair of her sunglasses and pepper spray with him. PARKER already had a

red bandana in his possession. The girlfriend reviewed video surveillance footage of the robbery and confirmed the man robbing the store was in fact PARKER. She also identified the sunglasses recovered as belonging to her.

Several other witnesses were interviewed who had additional information relating to PARKER'S involvement in the robbery, as well as information about PARKER being terminated from the store for employee theft.

When interviewed, PARKER admitted that he had robbed the Cheyenne Depot. He confirmed his own identity in the surveillance video and estimated that he stole approximately \$3,000 from the store, most of which he had already spent.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

LARS ROCK ROADS

On May 13, 2009, LARS ROCK ROADS, a resident of Busby, was sentenced to a term of:

- Prison: 96 months
- Special Assessment: \$100
- Supervised Release: 3 years

ROCK ROADS was sentenced after having been found guilty during a 2-day trial of assault resulting in serious bodily injury.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

DEAN RONDEAU

On February 11, 2009, DEAN RONDEAU, a 67-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: life

RONDEAU was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On May 24, 2007, FBI agents were informed by BIA Northern Cheyenne Social Services of an allegation of sexual abuse made by the victim, T.R.H. (dob --/--/98), to her St. Labre school counselor. The victim's grandfather, RONDEAU, was babysitting her and her siblings while her parents were away. RONDEAU and the victim were covered up with a blanket on the bed watching a movie when RONDEAU touched T.R.H.'s vagina. When the victim's brother left the room, RONDEAU attempted to kiss T.R.H.

A few days later, RONDEAU was supposed to babysit T.R.H. and her siblings again. T.R.H. locked herself in a car and told her mom that "I don't want Grandpa Dean to watch me because he touched my privates."

T.R.H. was examined by a mental health professional. Again, T.R.H. stated that RONDEAU had touched her vagina under her clothing. During the examination, T.R.H. was asked to indicate where RONDEAU had touched her by using an anatomical diagram of a female girl. T.R.H. pointed to the vagina on the diagram and also drew a picture of the room at her house where the incident occurred.

When interviewed, RONDEAU admitted to inserting his right index finger into the victim's vagina while babysitting her at her residence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

VAUGHN THOMAS SHOULDER BLADE

On September 11, 2009, VAUGHN THOMAS SHOULDER BLADE, a 40-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Supervised Release: 3 years

SHOULDER BLADE was sentenced in connection with his guilty plea to domestic assault by a habitual offender.

In an Offer of Proof filed by Assistant U.S. Attorney Lori Harper Suek, the government stated it would have proved at trial the following:

On November 19, 2008, the victim, SHOULDER BLADE'S wife, reported to the Colstrip Police Department that she had been assaulted by SHOULDER BLADE the night

before at their residence on the south side of Lame Deer, which is within the exterior boundaries of the Northern Cheyenne Indian Reservation. She stated that she had been hit with the buckle end of her husband's belt, hit with a closed fist, and knocked unconscious. She suffered numerous bruises and abrasions as a result of the assault.

When interviewed, SHOULDER BLADE admitted that he had assaulted his wife with his belt, and that he struck her four or five times.

SHOULDER BLADE has two prior tribal court convictions for domestic assault of this victim. SHOULDER BLADE and the victim lived together at the time of the assault and have children together.

The investigation was a cooperative effort between the Colstrip Police Department and the Bureau of Indian Affairs.

LARRY DALE SPANG

On April 1, 2009, LARRY DALE SPANG, a 41-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 10 years

SPANG was sentenced in connection with his guilty plea to abusive sexual contact.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early morning hours of August 6, 2007, the BIA received a call to investigate a possibly intoxicated person knocking on people's doors. An officer was dispatched and upon arriving at the location, a woman ran up to him. She was crying heavily and stated that she had been raped by SPANG. Her clothes were inside out, she was not wearing shoes or socks, and she had dirt and weeds in her hair and on her clothing.

The victim told the officer that she had been walking when a tractor trailer stopped to offer her a ride. At the same time, SPANG pulled up in his pickup and offered her a ride, which she accepted. She asked SPANG to take her home. She also accepted and drank beer provided by SPANG. They drove to a house in Lame Deer where they stayed for about 20-30 minutes and drank beer. They then went to the PowWow grounds and drank more beer. Then they went to a trailer house and to another house. SPANG then drove about another one-half mile to a location over a hill. SPANG stopped the truck in a wooded area and forced the victim to engage in sexual contact. The victim then ran to a nearby house where SPANG'S relatives lived and asked them to call the police. She told them that she had just been raped by SPANG.

SPANG was interviewed twice by law enforcement. During the second interview, he admitted to forcing SPANG to engage in sexual contact.

Assistant U.S. Attorney Lori Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

GERHARD CURTIS STERN

On October 22, 2009, GERHARD CURTIS STERN, a 32-year-old resident of Ashland, was sentenced to a term of:

- Prison: 480 months
- Special Assessment: \$100
- Restitution: to be decided within 90 days
- Supervised Release: 20 years

STERN was sentenced after having been found guilty during a 2-day trial of aggravated sexual abuse. Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

At trial the government presented evidence of the following:

S.S., (d/o/b --/03) and her older sister were removed from their mother's care in Tennessee and placed in foster care there. They were removed due to alcohol and neglect issues but did not disclose sexual abuse or have sexualized behaviors while there.

In approximately August of 2007, the Tennessee Social Service sent the girls to live with their father, STERN, on the Northern Cheyenne Indian Reservation.

In March 2008, S.S., then age 4, disclosed to a nurse at school that her father put his fingers and "a stick" in her privates and that he had put his penis in her mouth. S.S. said that the events took place recently at her home in Ashland. S.S.'s teacher and school counselor reported significant sexualized behavior by her during school. S.S. and her 5-year-old sister were removed from the home and placed in foster care. She was examined by a doctor at Indian Health Services, but no medical findings were made. S.S. also disclosed the same details to an FBI Interview Specialist.

When questioned, STERN denied the sexual abuse, but admitted to being both a drug user and frequent abuser of alcohol. STERN has a prior sexual abuse conviction as a juvenile for sexually offending a family member, for which he was sent to Pine Hills School in Miles City. STERN is an enrolled member of the Northern Cheyenne Tribe and the events occurred within the exterior boundaries of the Northern Cheyenne Indian

Reservation.

The investigation was conducted by the Federal Bureau of Investigation.

JASON TALLBULL

On November 18, 2009, JASON TALLBULL, a 28-year-old resident of Lane Deer, was sentenced to a term of:

- Probation: 4 years with first 3 months in a pre-release center
- Special Assessment: \$100
- Restitution: \$6,304.90

TALLBULL was sentenced in connection with his guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by Assistant U.S. Attorney Cyndee L. Peterson, the government stated it would have proved at trial the following:

The Northern Cheyenne Indian Tribe is an Indian tribal organization. In 2007, TALLBULL was a payroll technician with the Northern Cheyenne Tribal Administration office. Prior to his theft, TALLBULL was demoted for accessing a computer system he was not authorized to use.

Beginning on April 6, 2007 and continuing until October 1, 2007, TALLBULL wrote himself six checks from the payroll and federal program accounts of the Northern Cheyenne Tribe. Generally, TALLBULL'S wages were paid to him through direct deposit into his account. The six checks he wrote to himself were physical checks in addition to the direct deposits which then duplicated his wages. Most of the checks contained forged signatures. TALLBULL was not authorized to write the checks. In addition to the six checks, he inflated two of his direct deposits. TALLBULL was not entitled to any of those additional funds.

Through these additional checks and inflated direct deposits, the Northern Cheyenne Tribe determined TALLBULL stole the following funds:

04/06/07: Direct Deposit \$600.45
05/18/07: Direct Deposit \$780.00
06/01/07: Payroll Check 10948 \$1,130.44
07/13/07: Payroll Check 10024 \$940.00
08/31/07: Fed. Programs #3, Check 20956 \$900.00
08/31/07: Fed. Programs #3, Check 21092 \$1,250.00
09/21/07: Payroll Check 104075 \$790.86
10/01/07: Fed. Programs #3, Check 22095 \$995.00

Total: \$7,386.75

TALLBULL'S supervisor asked TALLBULL to explain his behavior. TALLBULL confessed his actions to his supervisor. On a later date, TALLBULL was interviewed by law enforcement and confessed his theft to the agent.

During his meeting with his supervisor, TALLBULL agreed that his last pay check and his accrued leave could be kept by the tribe to pay off part of his debt. His last pay check totaled \$463.35. His unpaid accrued leave totaled \$618.50. The two amounts totaled \$1,081.85.

After applying the moneys retained by the tribe, TALLBULL is still indebted to Northern Cheyenne Indian Tribe in the amount of \$6,304.90.

The investigation was conducted by the Federal Bureau of Investigation.

RON ONEIDA WHITEMAN

On March 18, 2009, RON ONEIDA WHITEMAN, a 20-year-old resident of Lame Deer, as sentenced to a term of:

- Prison: 293 months
- Special Assessment: \$100
- Supervised Release: 15 years

WHITEMAN was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the evening of November 17, 2007, WHITEMAN, two other adult males and one juvenile male were driving around Lame Deer drinking alcohol. The group saw the victim, walking down the street and decided to pick her up. She was staggering as she walked and she was drunk. The victim got into the car with the men. They purchased more alcohol and continued to drive around Lame Deer. WHITEMAN and another individual started making sexual advances towards the victim, which she refused. They then drove to a remote area in the hills, behind the Westside housing area. At this location, WHITEMAN had sexual intercourse with the victim in the backseat. By WHITEMAN'S own account, the victim was too intoxicated to provide consent to engage in the sexual act.

After the sexual act, the victim was taken out of the car by the men. She fell to the ground because she was too drunk to stand. The men placed her on the hood of the car and WHITEMAN had sexual intercourse with her again. The juvenile male and the

other men had sexual contact with her as well. She was also assaulted by one or more of the men. The men then put her in the trunk of the car naked. They drove around with her in the trunk until some time later when she was rescued from the trunk of the car.

The victim was taken to the hospital for treatment and a sexual assault examination was performed. Samples were also obtained from WHITEMAN. DNA testing confirmed that WHITEMAN engaged in sexual intercourse with the victim.

The victim has very little memory of what happened to her, but she would have testified that she did not give WHITEMAN consent to have sexual intercourse with her.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

DREW RUDY WHITESHIELD

On November 24, 2009, DREW RUDY WHITESHIELD, a 23-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 5 years

WHITESHIELD was sentenced in connection with his guilty plea to sexual abuse of a minor.

In an Offer of Proof filed by Assistant U.S. Attorney Lori Harper Suek, the government stated it would have proved at trial the following:

During the summer of 2006, the victim was staying with WHITESHIELD'S mother in Lame Deer. At the time, the victim was 13 years old and WHITESHIELD was 20. After the summer, the victim returned to Oregon and, in December of 2006, she disclosed that she had been raped by WHITESHIELD. She said that she was in a downstairs bedroom, WHITESHIELD turned off the light, pushed her down on the bed and forced her to engage in sexual intercourse.

During the investigation, WHITESHIELD was interviewed and admitted that he had sexual intercourse with the victim at his mother's house. He claims that the sexual intercourse with the victim was consensual.

The investigation was conducted by the Federal Bureau of Investigation.

WILLIAM ALVIN WICK, JR.

On June 25, 2009, WILLIAM ALVIN WICK, JR., a 28-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$100
- Supervised Release: 3 years

WICK, an enrolled member of the Northern Cheyenne Tribe, was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 10, 2008, law enforcement was called to WICK'S home near Lame Deer, which is within the exterior boundary of the Northern Cheyenne Indian Reservation, regarding an assault that had occurred. When officers questioned WICK, he stated that he had assaulted the victim by striking her with his hand and kicking her multiple times.

The victim was transported by ambulance to St. Vincent Hospital in Billings for medical care. After receiving medical care, the agents interviewed her. She stated that she had been drinking with WICK, WICK'S brother, and several others. At some point in the evening, WICK became upset and accused her of wanting to be in a relationship with his brother. The victim became upset and walked outside. WICK followed her outside and punched her in the head. The victim then went behind the house and was trying to crawl under a car to hide from WICK. Before she could get under the vehicle, WICK found her and began striking her with his fists and kicking her with his feet. She remembers WICK stomping on her face numerous times before she lost consciousness. When she awoke, she ran inside the house to hide in the basement. Once again, WICK found her and drug her up the stairs by her feet, her head hitting the steps and knocking her unconscious again.

After regaining consciousness, she ran to her cousin's house. Her mother was called and medical attention was sought.

WICK was interviewed by agents the afternoon of June 10, 2008. He stated he was angry with the victim because he believed she was in a relationship with his younger brother. He admitted to assaulting the victim because he was frustrated and angry with her.

The victim estimated that WICK struck her with his fists over 20 times, stomped on her face 15 times, and kicked her in the ribs, hips and buttocks at least 5 times. She remembers WICK was wearing heavy, leather basketball shoes with hard rubber soles.

The victim suffered two broken/fractured ribs, a hairline fracture to her jaw, extensive bruising to her head/face, and unspecified injuries to her kidneys due to the series of assaults by WICK.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

INDIAN COUNTRY - ROCKY BOY'S RESERVATION

ROBERT JAMES CAPLETTE

On February 23, 2009, ROBERT JAMES CAPLETTE, a 25-year-old resident of Rocky Boy, was sentenced to a term of:

- Prison: 210 months
- Special Assessment: \$ 100
- Supervised Release: life time

CAPLETTE was sentenced after having been found guilty during a 2½-day trial of aggravated sexual abuse.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JESSE LEE KNIFE

On November 2, 2009, JESSE LEE KNIFE, a 29-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$200
- Restitution: \$38,898.82
- Supervised Release: 3 years

KNIFE was sentenced in connection with his guilty plea to two counts of assault resulting in serious bodily injury .

In an Offer of Proof filed by Assistant U.S. Attorney Rebekah J. French, the government stated it would have proved at trial the following:

On November 29, 2008, KNIFE attended a party on the Rocky Boy's Reservation. A

couple who live in Missoula, identified here as “R” & “T”, were also at the party. A fight broke out because “R” objected to KNIFE making romantic overtures to “T”. KNIFE left the party with a number of people, including his sister and his common-law wife.

KNIFE drove his sister’s car to his house, dropping his wife off on the way. KNIFE’S sister and the others remained at KNIFE’S house, while he started back to the party site in his own truck.

In the meantime, “R” & “T” decided to leave the party in their van. Two other individuals left with them, including “K”, who had fallen asleep in the van’s third row of seats. They were driving east on Upper Box Elder Road when a truck came speeding up behind them and ran into the back of the van, causing them to drive off the road and flip over.

The Montana Highway Patrol trooper who investigated the collision would have testified that the KNIFE, the driver of the truck, intentionally rammed the rear of the van. The trooper found that the van’s driver did not contribute to the collision. He would have further testified that KNIFE contributed to the accident by operating a motor vehicle in an erratic, reckless, careless, or negligent manner.

When interviewed, KNIFE admitted that he was driving the truck that hit the van. He also admitted that he was highly intoxicated and going too fast, and that he misjudged the distance between his truck and the van. KNIFE’S blood alcohol level was tested about 6 hours after the accident and was .051.

“K” and “T” were transported to the Northern Montana Hospital by ambulance and then to the hospital in Great Falls by air ambulance. “K” had from sternal fractures, pulmonary contusions, and a C -T1 fracture/dislocation. “T’s” injuries included a spinal fracture that required surgery.

The investigation was a cooperative effort between the Montana Highway Patrol, the Federal Bureau of Investigation, and the Rocky Boy’s Tribal Law Enforcement.

LIONEL DEAN MOLINA

On June 24, 2009, LIONEL DEAN MOLINA, a 39-year-old resident of Box Elder, appeared for sentencing. MOLINA was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$10,567.45

MOLINA was sentenced in connection with his guilty plea to accessory after the fact to the crime of burglary.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On June 28, 2007, it was discovered that someone had broken into a building at Stone Child College on the Rocky Boy's Reservation and stolen an Arctic Cat quad, an air compressor, and over \$12,000 in equine equipment, including seven saddles.

On August 8, 2007, Tyrell Molina was arrested for conduct unrelated to the burglary at Stone Child College. While booking Tyrell Molina into jail, it was discovered that he had a quad key in his possession.

On August 9, 2007, when Tyrell Molina was interviewed by law enforcement, he admitted that he had broken into the building at Stone Child College on June 28, 2007, and moved several saddles and various other items of horse riding equipment out of the building. He then kicked another door open to get into the garage and loaded the saddles and other equipment on to the Arctic Cat and drove it to a coulee near his mother's house, where he hid it.

Tyrell Molina stated that the next morning he enlisted MOLINA'S help to move the stolen equipment to another location.

On January 18, 2008, law enforcement contacted and interviewed MOLINA. During the interview, MOLINA admitted that he had helped Tyrell Molina move the stolen saddles to a house near Lodgepole on the Fort Belknap Reservation where he was living at the time. MOLINA stated that he did not report Tyrell Molina's actions because he did not want he or Tyrell Molina to get in trouble.

Law enforcement located the stolen Arctic Cat and also recovered the stolen air compressor from the individual who had purchased it. The equine equipment was not recovered.

The stolen equipment was valued at \$13,000.

Tyrell Molina pled guilty to federal charges and has been sentenced.

LIONEL MOLINA and Tyrell Molina are both Indian persons.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Chippewa-Cree Law Enforcement Division.

TYRELL JOHN MOLINA

On August 10, 2009, TYRELL JOHN MOLINA, a 24-year-old resident of Rocky Boy, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Restitution: \$10,567.45
- Supervised Release: 3 years

MOLINA was sentenced in connection with his guilty plea to burglary.

In an Offer of Proof filed by Assistant U.S. Attorney Rebekah J. French, the government stated it would have proved at trial the following:

On June 28, 2007, it was discovered that someone had broken into a building at Stone Child College, which is within the exterior boundaries of the Rocky Boy's Indian Reservation, and stolen an Arctic Cat quad, an air compressor, and over \$12,000 in equine equipment, including seven saddles.

On August 8, 2007, MOLINA was arrested for conduct unrelated to the burglary at Stone Child College. While booking MOLINA into jail, it was discovered that he had a quad key in his possession.

On August 9, 2007, when interviewed by law enforcement, MOLINA admitted that he had broken into the building at Stone Child College on June 28, 2007, and moved several saddles and various other items of horse riding equipment out of the building. MOLINA stated that he then kicked another door open to get into the garage and loaded the saddles and other equipment on to the Arctic Cat and drove it to a coulee near his mother's house, where he hid it.

MOLINA stated that the next morning he enlisted Lionel Molina's help to move the stolen equipment to another location.

Law enforcement located the stolen Arctic Cat in a coulee near MOLINA'S mother's house and also recovered the stolen air compressor from the individual who had purchased it from MOLINA. The equine equipment was not recovered.

The stolen equipment was valued at \$13,000.

Lionel Molina pled guilty to federal charges and has been sentenced.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Chippewa-Cree Law Enforcement Division.

RICHARD CHARLES MORSETTE

On October 19, 2009, RICHARD CHARLES MORSETTE, a 65-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$20

MORSETTE was sentenced after having been found guilty during a 1-day trial of two counts of simple assault.

At trial, the government presented evidence of the following:

Early on the morning of December 31, 2008, the victim and another male individual went to MORSETTE and his wife's home, which is within the exterior boundaries of the Rocky Boy's Indian Reservation. The victim and the other male individual are married to two of MORSETTE'S wife's daughters. They had gone to the home to borrow jumper cables.

When they arrived, MORSETTE invited them in for a drink. They each took a drink from MORSETTE'S flask. While they were sitting around the table, sharing whiskey from the flask, the victim asked MORSETTE if his wife could come to his house to babysit his boys on New Year's Day. MORSETTE said that the boys could come to his house and the victim said that he did not trust his boys to come to MORSETTE'S, but would feel more comfortable having them taken care of at his house. MORSETTE got upset and walked to the back of the house.

When MORSETTE came back, he had a long cane-like object in his hand. MORSETTE hit the victim on the head with the object. The victim blocked another blow with his arm. The other male individual tried to intervene, and MORSETTE hit him on the head. MORSETTE'S wife came out of the back of the house, and the victim told her to call the police, which she did.

Law enforcement responded to the house and found both the victim and the other individual bleeding from their heads. MORSETTE had blood on his hands and shirt. All three of the men showed signs of intoxication. The officers arrested MORSETTE. The victim and the other individual went to hospital by ambulance and were treated for lacerations to the scalp.

Assistant U.S. Attorney Rebekah J. French prosecuted the case for the United States.

The investigation was a cooperative effort between the Rocky Boy's Tribal Law Enforcement and the Federal Bureau of Investigation.

CHARLES JOSEPH WOOD

On August 10, 2009, CHARLES JOSEPH WOOD, a 54-year-old resident of Parker Canyon, was sentenced to a term of:

- Prison: 12 months, consecutive to another sentence

- Special Assessment: \$100
- Supervised Release: 3 years

WOOD was sentenced in connection with his guilty plea to failure to surrender for service of sentence.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

WOOD was convicted in the U.S. District Court in Great Falls of assault with a dangerous weapon. On May 17, 2004, he was sentenced to 37 months imprisonment. The Court allowed WOOD to self-report to prison.

On June 17, 2004, a probation officer informed WOOD by letter that he was to self-report to the federal prison in Sandstone, Minnesota, on July 14, 2004.

On July 15, 2004, the probation officer learned that WOOD did not self-report. A warrant was issued for WOOD'S arrest on July 16, 2004.

WOOD remained a fugitive until he was arrested on December 19, 2008.

The investigation was conducted by the Chippewa-Cree Law Enforcement Division.

MISCELLANEOUS

MALIK ASHATOVICH AKISHEV

On May 21, 2009, MALIK ASHATOVICH AKISHEV, a 21-year-old citizen of Russia, was sentenced to a term of:

- Prison: approx. 8 months (time served)
- Forfeiture: \$9,410
- Restitution: \$10,668.57
- Supervised Release: 3 years

AKISHEV was sentenced in connection with his guilty plea to possession and receipt of stolen money transferred in interstate commerce.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

AKISHEV is a Russian citizen who came to the United States on a J-1 work visa through a program that sponsors a summer work/travel program placing foreign citizens in entry level jobs in resort areas throughout the country.

In the summer of 2008, AKISHEV was working for a restaurant in Ennis. While working in Ennis, AKISHEV established two bank accounts in town. The first account was at First Madison Valley Bank; the second account was at Flathead Bank (dba Valley Bank).

On July 11, 2008, \$6,052 was electronically transferred into AKISHEV'S Madison Valley Bank Account from a Fidelity investment account held by U.H. of Oceanside California.

On July 14, 2008, AKISHEV withdrew \$6,050 in cash from this account.

On August 13, 2008, U.H. notified Fidelity that she did not authorize the electronic funds transfer (EFT) that moved funds from her California account to AKISHEV'S. Fidelity discovered that on June 26, 2008, EFT bank instructions were created via the Internet that linked U.H.'s account with AKISHEV'S and the money was subsequently wired on July 11, 2008. U.H. did not create or authorize the Internet instructions linking the accounts. Tellers at Madison Valley Bank later confirmed that they were familiar with AKISHEV and witnessed him withdrawing the funds from his account on July 14, 2008.

Later, on August 29, 2008, \$14,000 was transferred into AKISHEV'S account from R.D.'s Fidelity account held in California. Days prior to the withdrawal, AKISHEV had been calling the bank inquiring about a \$14,000 transfer. It finally arrived on August 29, and AKISHEV withdrew the entire amount in cash.

Shortly after the withdrawal, bank personnel were contacted by security personnel at Fidelity who informed them that an unknown individual had compromised R.D.'s account via the Internet and caused an ACH electronic transfer of funds. R.D. did not authorize this transfer and had reported the fraudulent withdrawal of her funds. As with U.H.'s account, someone had created an electronic funds transfer link between R.D.'s account and AKISHEV'S and initiated the unauthorized online transfer of funds.

Tellers at Valley Bank confirmed that AKISHEV appeared in person to withdraw the money. Shortly after the \$14,000 transfer, another online transaction was entered attempting to move additional funds from R.D.'s account. However, Fidelity deleted the transaction before it could be processed.

On September 4, 2008, law enforcement discovered that AKISHEV was scheduled to depart for New York and then Moscow. Madison County Sheriff's officers arrested AKISHEV that day on local theft charges and discovered over \$9,000 in cash wrapped in "Valley Bank" bands along with other evidence.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was a cooperative effort between the Madison County Sheriff's Office and the Federal Bureau of Investigation.

SHANNON MICHELLE CLARK

On September 17, 2009, SHANNON MICHELLE CLARK, a 36-year-old resident of Bozeman, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$25
- Restitution: \$5,250

CLARK was sentenced in connection with her guilty plea to extortion.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

In June of 2008, W.M. ended a relationship with CLARK. CLARK subsequently demanded that W.M. pay her \$10,000 per month for six months as “severance” for ending the relationship. CLARK told W.M. that she would tell W.M.’s family, colleagues, or the newspaper about their relationship if W.M. did not pay her \$60,000.

CLARK had several conversations about her demands with a friend and with W.M. On June 24, 2008, CLARK talked with a friend about her relationship with W.M. and her demand that W.M. pay her \$60,000. CLARK explained that if W.M. would not help her, she could call the FBI to discuss the nature of their relationship, specifically the fact that W.M. told CLARK never to tell the FBI the truth about their relationship. CLARK told her friend, “I’ve got you [W.M.] right there. If you [W.M.] don’t f---ing help me . . . do I call the FBI?” CLARK also said that she had “the goods” on W.M., including a bank deposit slip with W.M.’s name on it.

On July 22, 2008, CLARK again discussed W.M. with her friend. She mentioned the “severance” package that she demanded and said W.M. was “guilty as hell” and that she had voice mail messages and bank statements that could be used as leverage. The next day, July 23, 2008, CLARK again told her friend about “incriminating” voice mail messages from W.M. and bank records showing that W.M. forged her signature. CLARK also told her friend that she did not want her demands to sound like blackmail, but she wanted \$10,000 per month for six months.

On August 2, 2008, CLARK told W.M. that she was very upset, that she knew W.M. could afford to pay her, and that if W.M. did not pay her she would consider going to the police.

W.M. eventually made three payments to CLARK, totaling \$5,250. All three payments were monitored by the FBI. Following the final payment, on August 27, 2008, the FBI arrested CLARK and no further payments were demanded by CLARK or made by W.M.

The investigation was conducted by the Federal Bureau of Investigation.

JAY MARTIN GASVODA

On March 26, 2009, JAY MARTIN GASVODA, a 56-year-old resident of Sula, was sentenced to a term of:

- Special Assessment: \$100
- Fine: \$10,000

GASVODA was sentenced after having been found guilty during a 2½-day trial of making false statements to a federal agency.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Law Enforcement and Investigations Division of the U.S. Forest Service.

JEFFREY DOUGLAS GROB

JEFFREY DOUGLAS GROB, a 28-year-old resident of Missoula, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

GROB was sentenced in connection with his guilty plea to cyberstalking.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

GROB had been in a dating relationship with "R" (name withheld to protect the victim's privacy). Following the termination of their relationship, GROB began sending "R" vulgar, profane and threatening e-mails. The e-mails not only contained death threats to "R," but included picture attachments. GROB also threatened to kill "R's" current boyfriend.

Beginning in October of 2007, GROB sent the following selected e-mails, among others:

DATE	SUBJECT	TEXT INCLUDES	ATTACHED
10-15-07	I hope you die!!		

11-12-07	I can't believe you killed our baby	<p>I am not going to leave you alone, I am not going to go away and I am not going to forget about the horrible s#\$% you did to me.</p> <p>Vengeance will be mine. I will get you if it is the last thing I do.</p>	
11-12-07	I'm going to get you.	Soon. You better not come back to Montana again.	
11-12-07	Die b*&^%.	I hope you die.	
11-24-07	I'm going to slit your throat.	<p>If you ever come back to montana again I am going to slit your throat. I am not even kidding. It would make me fill [sic] so good so see you bleed as you gasp for air. I hope you are ready for retribution, because it is coming.</p> <p>You are going down b*&^%.</p>	
11-30-07	It will happen		Picture of a female that appears to have been shot in the head.
12-02-07	I'm going to kill S.		
12-02-07	I'm going to put a bullet in his head.		

12-02-07	You should do this!!!!		Picture that appears to be someone who has committed suicide by jumping off of a building.
12-2-07	This will be you.		Picture of a dismembered female.
12-2-07	OMG our baby.		Picture of a dead baby.

"R" contacted law enforcement at the University of Montana where GROB is currently a student because she was in fear for her life. When questioned, GROB first denied but finally admitted sending the e-mails to scare "R." GROB also sent numerous cell phone texts messages to "R" as well. GROB'S actions caused "R" serious emotional distress, and she reports still being in fear of GROB and looking over her shoulder in fear that he will show up and carry out his threats. "R" lives in Seattle, Washington, while GROB lives in Missoula.

GROB used the Internet with the intent to place "R" in reasonable fear of death and serious bodily injury, and used the Internet to engage in a course of conduct that caused substantial emotional distress to "R" and placed "R" in reasonable fear of death and serious bodily injury, by sending the repeated Internet e-mail messages threatening to kill "R" and by sending "R" pictures of dead bodies.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula Police Department and the Montana Division of Criminal Investigation.

ROBERT S. LOCKETT

On June 4, 2009, ROBERT S. LOCKETT, a resident of Helena, was sentenced to a term of:

- Community Confinement: 180 days
- Probation: 5 years
- Community Service: 100 hours
- Special Assessment: \$100
- Restitution: \$2,443.50

LOCKETT was sentenced in connection with his guilty plea to theft of government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

LOCKETT was a United States Postal Service ("USPS") mail clerk, at the Contract Postal Unit in the Montana State Capitol Building ("Capitol Station") in Helena, from July 30, 2007, until June 2008. LOCKETT was terminated from the Capitol Station in June of 2008. The Capitol Station provided post office box delivery services and the sale of USPS retail products like stamps and money orders to the public.

In July of 2008, law enforcement was contacted by the management at the Helena Main Post Office concerning money orders that originated from the Capitol Station between April and July of 2008. The money orders were issued to LOCKETT and made payable to several Helena casinos, the City of Helena, and a Helena storage business.

USPS management also had several questionable money orders that originated from the Capitol Station that LOCKETT allegedly sold to private citizens.

The questionable money orders were all noted as issued by LOCKETT. None of the questionable money orders issued to LOCKETT or the private citizens appeared in the USPS accounting system as sold. The money orders in question were also issued out of sequence.

Law enforcement obtained the questionable money orders and interviewed LOCKETT. During the interview, LOCKETT admitted he issued and presented Capitol Station money orders without paying for them. LOCKETT stated he began taking money orders in April of 2008 to have cash for a gambling trip to Las Vegas, Nevada, to celebrate his 40th birthday. LOCKETT admitted presenting and cashing seven USPS money orders at two local Helena casinos between April and July of 2008.

LOCKETT admitted taking two money orders to pay for personal expenses as well. Specifically, LOCKETT used one money order to pay for a storage unit and another to make his restitution payment to the city of Helena in an unrelated criminal case.

LOCKETT admitted that he intentionally failed to report the sale of the money orders into the USPS accounting system and withheld the "white" money order vouchers used to document the sale of the money orders.

LOCKETT also admitted he sold five money orders to private citizens, but failed to report the sale of the money orders into the USPS accounting system. LOCKETT said he kept the money from the sale of the money orders. LOCKETT admitted he kept the money order vouchers used to document the sale of the money orders to conceal his

conduct.

LOCKETT took \$1,760 in money orders without paying the face value of the document and failed to remit \$1,004.50 in cash paid by customers of the Capitol Station for money orders he issued. The total amount taken by LOCKETT is \$2,764.50. LOCKETT returned \$321 in cash to law enforcement during his interview.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General for the U.S. Postal Inspection Service.

NATHAN LEE MURPHY

On June 23, 2009, NATHAN LEE MURPHY, a 51-year-old resident of Billings, was sentenced to a term of:

- Probation: 3 years, with 120 days in a pre-lease center, consecutive to the state's pre-release term
- Special Assessment: \$100
- Restitution: \$17,325
- Community Service: 300 hours

MURPHY was sentenced in connection with his guilty plea to theft of government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 1993, MURPHY started the Judith River Dinosaur Institute (JRDI), a private, for-profit, paleo-outfitting business. JRDI was based in Malta. MURPHY is the sole owner of the JRDI and provided guided dinosaur "hunting" trips.

MURPHY leased access to private ranch lands to conduct his trips. Clients paid approximately \$200 per day to "hunt" for dinosaur fossils. Guides, transportation and meals were all provided by MURPHY.

In 1994, shortly after his arrival in the Malta area, MURPHY discovered a significant fossil, a fully articulated Brachylophosaurus, nick-named "Elvis." MURPHY immediately began excavating the site without checking the land's ownership status. It was later determined that "Elvis" was in fact on BLM land. MURPHY did not have an excavation permit, nor would the BLM issue MURPHY a permit. MURPHY ceased all excavation and the site was turned over to the Museum of the Rockies. No charges were filed against MURPHY for the illegal excavation of the "Elvis" site.

In 1998, MURPHY contracted with Howard and Jean Hammond to prospect for fossil bones on their private ranch lands near Malta. The Hammond ranch is comprised of approximately 50% private land and 50% BLM or State land. Howard Hammond would have testified he distinctly remembers telling MURPHY about the landownership of the ranch and showing MURPHY a land status map that showed all the private, State and BLM lands. Hammond would have testified that he was not concerned about MURPHY getting too close to BLM land because MURPHY knew that the "Elvis" fossil had come from nearby BLM lands. Hammond also remembered warning MURPHY in approximately 2005 that he was near BLM land when he was excavating in an area near the Little Cottonwood Drainage.

In 2003, MURPHY and others in the Malta area founded the Judith River Foundation (JRF), a 501(c)(3) non-profit organization. The express purpose of the JRF was to be a repository for all of the fossils collected by those associated with the JRDI. The JRF leased and operated the Judith River Dinosaur Field Station in Malta to handle the fossils recovered by the JRDI.

MURPHY continued to look for fossils with his for-profit JRDI from 2000 to 2006. MURPHY appeared to have largely confined his trips to private property. At least one customer would have testified that MURPHY was using GPS equipment and a mapping program as early as 2002.

Customers of MURPHY would have testified that in 2006 he carried topographical maps and GPS units during dinosaur "hunting" trips. Customers also confirmed seeing MURPHY log in site locations and names to the GPS units.

In February of 2006, MURPHY took a two week GPS course offered by the Phillips County Agriculture Extension Office. Class topics included collecting data waypoints in the field and plotting those data points on topographical mapping software. The software enables the user to plot data locations on a map that shows topography and land ownership status. The maps can be printed for field use. The software was available to be loaned out to anyone in the Malta area.

In August of 2006, MURPHY and several JRDI paying clients were alleged to have illegally excavated and removed an extremely rare fossil raptor dinosaur from private lands belonging to Bruce Bruckner. Bruckner's property lies adjacent to the Hammond ranch. MURPHY did not have permission to excavate on Bruckner's property. The raptor taken from Bruckner's land is valued at approximately \$300,000. The Bruckner fossils are the focus of the pending charges with the State of Montana.

During the course of the investigation into the Hammond and Bruckner issues, it was discovered that on the morning of August 10, 2006, MURPHY and several others found two separate areas that contained dinosaur fossils. The two sites were on the slope of a drainage which bordered the Hammond ranch. The drainage is referred to as the Little Cottonwood Drainage.

The site on the upper area of the slope was named the "Sue 2" site. The site on the lower area of the slope was named the "Rodney" site. Both sites were GPS'd and a Cadastral Survey was conducted to determine land ownership. Both sites were determined to be on BLM land.

Customers would have testified that MURPHY led the entire group of crew members and clients to the site in vehicles on August 10, 2006. Customers would have testified that they trusted MURPHY to know where the land ownership boundaries were.

Numerous photographs were taken of MURPHY and his customers excavating both the "Rodney" and the "Sue2" sites. Those photographs were later posted on MURPHY'S website.

Customers recalled MURPHY taking lots of photos of the "Rodney" and "Sue 2" sites but did not recall MURPHY drawing any site maps or doing any grid work. Customers would have testified that MURPHY carried GPS units and logged in the sites locations. The fossils removed from the sites were taken back to the Field Station in Malta.

Customers would have testified that when the "Rodney" and "Sue 2" sites were found, MURPHY commented to others that the sites were near where the "Elvis" fossil had been found previously on BLM property.

The "Elvis" site is in the same drainage as the "Rodney" and "Sue 2" sites. The "Rodney" and "Sue 2" sites are 918 feet from the "Elvis" site.

When law enforcement discovered the "Rodney" and "Sue 2" sites, they found evidence of excavation including tool marks in the bedrock, discarded small fossil pieces, tailing piles, Plaster of Paris residue and segments of plaster-enriched burlap. The "Rodney" site initially produced 13 specimens. The recovered elements include one theropod (carnivorous dinosaur) proximal fibula and 12 hadrosaur (herbivorous dinosaur) bones. The 12 hadrosaur bones include a scapula, ischium, three fibula, two vertebra, astragalus, metatarsal II, pes phalanx III-1, and two ungals. The "Sue 2" site also produced numerous specimens. The recovered elements include vertebrae and distal ulnas. The value of the fossils removed from both the "Rodney" and the "Sue 2" sites is approximately \$3,100.

On October 3, 2007, a search warrant was executed on the Field Station in Malta. Law enforcement recovered all of the fossils removed from the "Rodney" and "Sue 2" excavations and transported them to the Museum of the Rockies where the fossils are currently secured.

After discovering the excavations at the "Rodney" and "Sue 2" sites, a complete paleontological damage assessment was completed by the BLM. The estimated cost to complete the additional public lands re-survey, paleontological survey, site damage assessment and rehabilitation of the damaged sites is estimated by the BLM at

\$17,325.

During an interview conducted by law enforcement, MURPHY admitted to digging at the "Rodney" and "Sue 2" sites in July or August of 2006. He also admitted he led the crew and clients to the areas the day the sites were discovered and admitted to removing the bones. MURPHY admitted the site was very close to the "Elvis" site. He admitted he had taken a GPS course in February of 2006. MURPHY admitted he never purchased any BLM land ownership maps and that he never looked at a map to determine land ownership of the "Rodney" and "Sue 2" sites although he had GPS coordinates.

United States Attorney Mercer noted that the preservation of paleontological resources on federal land is important in Montana given the significant dinosaur finds that have been made here. "Excavation on federal lands is not permissible unless authorized by permit by the federal agency entrusted with land management. Unauthorized takings will be investigated and prosecuted," Mercer stated. Mercer added that his only regret with today's proceeding was the absence of the lead investigator, BLM Special Agent Tom Madsen, who died at the age of 42 near the conclusion of his investigation of the activities of Mr. Murphy. "Tom's skill, dedication, and energy were the catalyst for this case," Mercer added.

"These are the public's resources," says Gene Terland, State Director for the Bureau of Land Management in Montana. "We are entrusted with managing and protecting these resources. BLM law enforcement is a key part of that management function." Terland adds, "This is an example of the outstanding relationship we have with the U.S. Attorney's Office, state and local agencies. We will continue to ensure protection of these irreplaceable resources."

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Land Management and the Montana Department of Justice Division of Criminal Investigation. A special note of gratitude is extended to the family of BLM Special Agent Tom Madsen who passed away before he could see the culmination of this investigation.

CHRISTOPHER MICHAEL PATTISON

On July 9, 2009, CHRISTOPHER MICHAEL PATTISON, a 36-year-old citizen of England, pled guilty and was sentenced on the charge of false representation of a Social Security number.

PATTISON was sentenced to a term of:

- Prison: 149 day (time served)
- Special Assessment: \$200
- Supervised Release: 2 years

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

In August of 2007, PATTISON'S wife contacted the U.S. Immigration and Customs Enforcement (ICE) in Helena. She said her husband was using multiple Social Security numbers for work, bank accounts, and credit accounts.

A subsequent investigation revealed that in January of 2006, PATTISON applied for a Montana driver's license using Social Security account number ***-**-2675. In April of 2007, PATTISON applied for a loan in Townsend and again used Social Security account number ***-**-2675.

If this case had proceeded to trial, evidence would have shown that Social Security account number ***-**-2675 does not belong to PATTISON. Other documents that had been turned over to ICE by PATTISON'S wife, including fraudulent and valid Social Security cards, drivers licenses, birth certificates, and miscellaneous papers would also have been presented. Among those various documents are two Social Security cards bearing PATTISON'S name, but numbers not issued to him.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

DAVID PHILLIPS

On July 31, 2009, DAVID PHILLIPS, a 52-year-old resident of Missoula, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Restitution: \$3,690
- Supervised Release: 3 years

PHILLIPS was sentenced in connection with his guilty plea to perjury.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On March 3, 2003, PHILLIPS appeared in federal district court in Missoula following his arrest for violating the conditions of his probation. PHILLIPS was on probation following his conviction for Clean Water Act violations. During the course of his initial appearance on his probation revocation, PHILLIPS filed a financial affidavit with the Court that misrepresented both his total income and the source of some of that income. The Court relied on the information in the financial affidavit in making a decision about whether PHILLIPS could afford to hire his own lawyer or should receive court-appointed counsel.

After being indicted for perjury in the District of Montana, PHILLIPS escaped from a federal facility in Sheridan, Oregon. PHILLIPS was apprehended after approximately three years and was tried and convicted of felony escape in the District of Oregon.

"After committing environmental crimes, Mr. Phillips violated his probation, committed perjury, and ultimately escaped from prison and became a fugitive," said Lori Hanson, EPA Special Agent in Charge of EPA's criminal enforcement program in Denver. "His efforts to thwart the U.S. justice system only made things much worse for him."

The investigation was a cooperative effort between the Environmental Protection Agency - Office of Inspector General and the Criminal Investigation Division of the Internal Revenue Service.

BRANDYN DEAN STANBARY

On December 3, 2009, BRANDYN DEAN STANBARY, a 33-year-old resident of Belgrade, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$25

STANBARY was sentenced in connection with his guilty plea to willful failure to supply information.

In an Offer of Proof filed by Assistant U.S. Attorney Paulette L. Stewart, the government stated it would have proved at trial the following:

On August 7, 2008, officers with the Belgrade Police Department were called to STANBARY'S residence to investigate a disturbance call. While there, officers noticed a rifle in STANBARY'S living room that appeared to have a bull barrel. When questioned, STANBARY told the officers that he had made his rifle quiet - meaning silenced.

The officers notified the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ATF verified that STANBARY did have a silencer and that STANBARY had not provided ATF with the required information about the silencer.

STANBARY was required by law to notify ATF about the silencer by providing his name, address, and information about the silencer including manufacturer and serial number. STANBARY was also to pay a registration tax for the silencer because the silencer is subject to registration under the National Firearms Act.

STANBARY later admitted that he willfully failed to supply the required information regarding his shortened rifle and silencer to the ATF.

The investigation was a cooperative effort between the Belgrade Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

OTHER VIOLENT CRIME, THREATS AND EXTORTION

CAMILLE ADAMS

On March 26, 2009, CAMILLE ADAMS, a 22-year-old resident of Anaconda, was sentenced to a term of:

- Prison: 499 months
- Special Assessment: \$300
- Restitution: \$3,963.65

CAMILLE ADAMS was sentenced in connection with his guilty plea to robbery and (2) counts of use of a firearm during the commission of a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 8, 2007, at about 10:30 p.m., Montana inmates Jordan Adams and J.K. were reported missing from the Helena Pre-Release Center.

On October 9, 2007, at about 2:50 a.m., three men entered the Thriftway store in Butte and robbed it at gunpoint. When interviewed, the victim reported that three men had come into the store. One pointed a black handgun at him and demanded money. The victim described the man with the firearm as wearing a red hooded sweatshirt and a blue bandanna across his face. This man was later identified as CAMILLE ADAMS. The victim described seeing tattoos across CAMILLE ADAMS' knuckles. The victim described the second male, who was stationed directly beside CAMILLE ADAMS, as wearing a dark hooded sweatshirt and a dark bandanna covering his face. The second male was later identified as Jordan Adams.

The victim told police that during the robbery he was forced to his knees. He said the gun was pointed at the back of his head and CAMILLE ADAMS 'clicked' the handgun several times in what he thought was an apparent attempt to discharge the firearm. He said he was terrified. The business reported that the three robbers took approximately \$40 in cash, beer and cigarettes.

Officers investigating this incident reviewed video surveillance of the robbery and they observed that CAMILLE ADAMS was wearing a red baseball cap. During the incident, a red bandana covering Jordan Adams' right wrist fell away, revealing a large tattoo. Officers noted Jordan Adams was wearing a blue Adidas sweatshirt with white stripes on the sleeves. Officers noted the third male, J.K., had a thin build with a goatee and

he was wearing a brown "Phat Farm" sweatshirt. CAMILLE ADAMS had the gun pointed at the victim during most of the robbery.

On October 9, 2007, at about 6:45 a.m., three men robbed the Town Pump convenience store in Columbus at gunpoint. Based on victim reports and a review of a video of the robbery, officers believed that the men who had robbed the Thriftway in Butte earlier that morning also performed this robbery.

Witnesses reported that three men entered the store. Two went to the counter and the third lagged behind and went to the beer cooler area. During the investigation, officers secured the scene, collected evidence and interviewed witnesses. During the robbery of the Town Pump, the person initially identified as suspect #1 discharged his firearm twice, into the floor and into the ceiling of the business. The business reported that the robbers took approximately \$518 in cash, beer and cigarettes. Columbus Police officers recovered two "Federal" 9mm shell casings and the video surveillance of the robbery.

Two persons inside witnessed the robbery, including the cashier, who was the primary victim. She said two men approached her at the counter, and one of the men was wearing a red sweatshirt and a red hat. CAMILLE ADAMS was later identified as the man in the red sweatshirt. She said the man raised a gun and put it in her face. He announced, "This is a robbery! Open the register!" She said she paused briefly in disbelief and fear. In that moment, she said the man fired a shot over her head, into the ceiling. She said the man was apparently still not satisfied with the way she was reacting because he went to the end of the counter and fired another shot, this one into the floor. She opened the register and stepped back.

She said he then came around the counter and took money from the till. The second suspect then reached across the counter and into the till. The second suspect was later identified as Jordan Adams. The third suspect, later identified as J.K., remained near the beer coolers. After they took the money from the till, they fled. A witness described seeing them get into a Dodge truck and drive away east on the Interstate.

Officers who reviewed the video surveillance were able to get good descriptions of the three men. Later that morning, at about 8:00 a.m., the Helena Police Department received a report that a 2005 silver Dodge Dakota truck with a personalized plate was stolen.

On October 10, 2007, at about 4:00 a.m., three men entered the Holiday convenience store in Sheridan, Wyoming, and robbed it at gunpoint. During this robbery, the person initially described as suspect #1, again discharged his firearm when the clerk did not move fast enough. This person was later identified as CAMILLE ADAMS.

The victim provided Sheridan Police a description of the robbers that was consistent with the persons who robbed both the Thriftway in Butte and the Town Pump in

Columbus the previous day. A review of the surveillance tape confirmed that the three men appeared to be the same persons who robbed the stores in Montana. The business reported a loss of approximately \$100 in cash.

Also on October 10, 2007, the Billings Police Department received information that Jordan Adams and J.K. may be at the Billings Hotel and Convention Center in Billings. Officers went to this location and confirmed that they had stayed at the hotel on the previous evening of October 9, 2007. Clerks said that J.K. and Jordan Adams, as well as three other males, had stayed in a room. They provided officers with a receipt, which indicated that a person identified as "Cj Peltier," who listed a Billings address had paid cash to stay in the room. The clerks also provided phone call information from the room during the stay.

Later on October 10th, at about 9:00 p.m., Stillwater County dispatch received a call on a recorded 911 line. The female placing the call indicated that she was calling from Kansas. This female indicated that the persons whom she believed were doing the robberies were on their way to Kansas and were currently in South Dakota. The female caller said that she wanted to talk to someone right away "before they hurt someone" and that there were five persons involved. Additionally, the female caller indicated that she knew a person who was related to one of the five persons.

At about 9:30 p.m., an officer with the Columbus Police Department contacted the female caller. The female told the officer that these persons were presently in South Dakota and had contacted someone she knew around 8:30 p.m. that evening. The caller said "they" told that person that they were on their way to Kansas and were going to try to make it into Nebraska that evening. The caller then put a male on the phone. He told the officer that he knew that five persons are riding together and that one of the persons is "CJ." He said "CJ" goes by the last name of either Adams or Peltier and that they are cousins. He said the person he referred to as "CJ Adams" had contacted him and told him that they were headed to Kansas. He said he thought that CJ Adams and the others must be somewhere around Rapid City or Mount Rushmore as Adams mentioned both places in his conversation. He said CJ Adams told him he was in a Dodge Dakota truck.

The caller then said that CJ Adams had called him the previous day from Billings from a hotel at approximately 9:26 p.m. The caller provided his number, which matched up to the phone records from the Billings motel. He said that CJ Adams may also be using the name "CJ Peltier." The name "CJ Peltier" was in fact the name on the bottom of the hotel receipt.

Later on the 10th, at about 10:19 p.m., the Fall River County Sheriff's Office in South Dakota received a 911 call indicating the State Line Casino, in Oelrichs, South Dakota, had just been robbed at gunpoint. The caller provided the dispatcher with a description of three male subjects, which were again consistent with the descriptions of the persons who robbed stores in Montana and Wyoming. Dispatch then received a 911 call from a

person who reported that he was following the vehicle that had just robbed the State Line Casino. This caller was a patron from the bar, who had followed the robbers after they left.

He reported the vehicle was traveling south on Highway 385 in Nebraska, toward the town of Chadron. The caller identified the vehicle as a silver Dodge Dakota truck bearing a personalized Montana license plate, which matched up to the truck stolen in Helena. The caller told dispatchers that the truck was traveling at a high rate of speed and he was not able to keep up with it.

At about 11:30 p.m., officers from the Chadron Police Department located the suspect truck parked in an alley with the doors open. The vehicle was later towed to police impound and secured pending the execution of a search warrant. Officers established a perimeter around the vehicle and began a block-to-block search for the occupants of the vehicle. This evolved into a manhunt in the town of Chadron.

The following morning, the Chadron Police Department and officials with the Chadron State College and the Chadron School District decided to shut down both schools for the day. During an ensuing door-to-door search of the campus, officers located articles of clothing on the east side of the Student Center. These articles of clothing matched the description of the items worn in the armed robbery of the State Line Casino.

At about 10:00 a.m. on the 11th, the Chadron Police Department received a report of suspicious subjects. At about 10:15 a.m., a deputy observed five males running from behind a local business. Officers responded to the area and took five persons into custody. A witness observed CAMILLE ADAMS throw a firearm into bushes behind a house. The firearm was retrieved and placed into evidence. The five males were identified as CAMILLE ADAMS, his brother Jordan Adams, another brother J.A., (a minor), J.K., and another male, S.J.

During a search of the vehicle, clothing and other items of evidence were seized. The evidence, including photographs, tied the group to the commission of the robberies in Montana, Wyoming, and South Dakota.

The recovered firearm was a Norinco, 210C, 9mm semi-auto handgun, with no visible serial number. The firearm and shell casings were sent to the ATF lab for forensic comparison. The shell casings recovered from the Town Pump in Columbus were examined and they were fired from the recovered firearm. Additionally, the lab was able to recover a serial number. The firearm was determined to be stolen.

Jordan Adams pled guilty and has been sentenced.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Butte Police Department, the

Columbus Police Department, the Stillwater County Sheriff's Office, the Billings Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and law enforcement agencies in Wyoming, South Dakota, and Nebraska.

JORDAN ADAMS

On March 12, 2009, JORDAN ADAMS, age 21, was sentenced to a term of:

- Prison: 480 months
- Special Assessment: \$300
- Restitution: \$3,963.65
- Supervised Release: 5 years

ADAMS was sentenced in connection with his guilty plea to robbery and (2) counts of use of a firearm during the commission of a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 8, 2007, at about 10:30 p.m., Montana inmates JORDAN ADAMS and J.K. were reported missing from the Helena Pre-Release Center.

On October 9, 2007, at about 2:50 a.m., three men entered the Thriftway store in Butte and robbed it at gunpoint. When interviewed, the victim reported that three men had come into the store. One pointed a black handgun at him and demanded money. The victim described the man with the firearm as wearing a red hooded sweatshirt and a blue bandanna across his face. This man was later identified as Camille Adams. The victim described seeing tattoos across Camille Adams' knuckles. The victim described the second male, who was stationed directly beside Camille Adams, as wearing a dark hooded sweatshirt and a dark bandanna covering his face. The second male was later identified as JORDAN ADAMS.

The victim told police that during the robbery he was forced to his knees. He said the gun was pointed at the back of his head and Camille Adams 'clicked' the handgun several times in what he thought was an apparent attempt to discharge the firearm. He said he was terrified. The business reported that the three robbers took approximately \$40 in cash, beer and cigarettes.

Officers investigating this incident reviewed video surveillance of the robbery and they observed that Camille Adams was wearing a red baseball cap. During the incident, a red bandana covering JORDAN ADAMS' right wrist fell away, revealing a large tattoo. Officers noted JORDAN ADAMS was wearing a blue Adidas sweatshirt with white stripes on the sleeves. Officers noted the third male, J.K., had a thin build with a goatee and he was wearing a brown "Phat Farm" sweatshirt. Camille Adams had the gun pointed at the victim during most of the robbery.

On October 9, 2007, at about 6:45 a.m., three men robbed the Town Pump convenience store in Columbus at gunpoint. Based on victim reports and a review of a video of the robbery, officers believed that the men who had robbed the Thriftway in Butte earlier that morning also performed this robbery.

Witnesses reported that three men entered the store. Two went to the counter and the third lagged behind and went to the beer cooler area. During the investigation, officers secured the scene, collected evidence and interviewed witnesses. During the robbery of the Town Pump, the person initially identified as suspect #1 discharged his firearm twice, into the floor and into the ceiling of the business. The business reported that the robbers took approximately \$518 in cash, beer and cigarettes. Columbus Police officers recovered two "Federal" 9mm shell casings and the video surveillance of the robbery.

Two persons inside witnessed the robbery, including the cashier, who was the primary victim. She said two men approached her at the counter, and one of the men was wearing a red sweatshirt and a red hat. Camille Adams was later identified as the man in the red sweatshirt. She said the man raised a gun and put it in her face. He announced, "This is a robbery! Open the register!" She said she paused briefly in disbelief and fear. In that moment, she said the man fired a shot over her head, into the ceiling. She said the man was apparently still not satisfied with the way she was reacting because he went to the end of the counter and fired another shot, this one into the floor. She opened the register and stepped back.

She said he then came around the counter and took money from the till. The second suspect then reached across the counter and into the till. The second suspect was later identified as JORDAN ADAMS. The third suspect, later identified as J.K., remained near the beer coolers. After they took the money from the till, they fled. A witness described seeing them get into a Dodge truck and drive away east on the Interstate.

Officers who reviewed the video surveillance were able to get good descriptions of the three men. Later that morning, at about 8:00 a.m., the Helena Police Department received a report that a 2005 silver Dodge Dakota truck with a personalized plate was stolen.

On October 10, 2007, at about 4:00 a.m., three men entered the Holiday convenience store in Sheridan, Wyoming, and robbed it at gunpoint. During this robbery, the person initially described as suspect #1, again discharged his firearm when the clerk did not move fast enough. This person was later identified as Camille Adams.

The victim provided Sheridan Police a description of the robbers that was consistent with the persons who robbed both the Thriftway in Butte and the Town Pump in Columbus the previous day. A review of the surveillance tape confirmed that the three men appeared to be the same persons who robbed the stores in Montana. The

business reported a loss of approximately \$100 in cash.

Also on October 10, 2007, the Billings Police Department received information that JORDAN ADAMS and J.K. may be at the Billings Hotel and Convention Center in Billings. Officers went to this location and confirmed that they had stayed at the hotel on the previous evening of October 9, 2007. Clerks said that J.K. and JORDAN ADAMS, as well as three other males, had stayed in a room. They provided officers with a receipt, which indicated that a person identified as "Cj Peltier," who listed a Billings address had paid cash to stay in the room. The clerks also provided phone call information from the room during the stay.

Later on October 10th, at about 9:00 p.m., Stillwater County dispatch received a call on a recorded 911 line. The female placing the call indicated that she was calling from Kansas. This female indicated that the persons whom she believed were doing the robberies were on their way to Kansas and were currently in South Dakota. The female caller said that she wanted to talk to someone right away "before they hurt someone" and that there were five persons involved. Additionally, the female caller indicated that she knew a person who was related to one of the five persons.

At about 9:30 p.m., an officer with the Columbus Police Department contacted the female caller. The female told the officer that these persons were presently in South Dakota and had contacted someone she knew around 8:30 p.m. that evening. The caller said "they" told that person that they were on their way to Kansas and were going to try to make it into Nebraska that evening. The caller then put a male on the phone. He told the officer that he knew that five persons are riding together and that one of the persons is "CJ." He said "CJ" goes by the last name of either Adams or Peltier and that they are cousins. He said the person he referred to as "CJ Adams" had contacted him and told him that they were headed to Kansas. He said he thought that CJ Adams and the others must be somewhere around Rapid City or Mount Rushmore as Adams mentioned both places in his conversation. He said CJ Adams told him he was in a Dodge Dakota truck.

The caller then said that CJ Adams had called him the previous day from Billings from a hotel at approximately 9:26 p.m. The caller provided his number, which matched up to the phone records from the Billings motel. He said that CJ Adams may also be using the name "CJ Peltier." The name "CJ Peltier" was in fact the name on the bottom of the hotel receipt.

Later on the 10th, at about 10:19 p.m., the Fall River County Sheriff's Office in South Dakota received a 911 call indicating the State Line Casino, in Oelrichs, South Dakota, had just been robbed at gunpoint. The caller provided the dispatcher with a description of three male subjects, which were again consistent with the descriptions of the persons who robbed stores in Montana and Wyoming. Dispatch then received a 911 call from a person who reported that he was following the vehicle that had just robbed the State Line Casino. This caller was a patron from the bar, who had followed the robbers after

they left.

He reported the vehicle was traveling south on Highway 385 in Nebraska, toward the town of Chadron. The caller identified the vehicle as a silver Dodge Dakota truck bearing a personalized Montana license plate, which matched up to the truck stolen in Helena. The caller told dispatchers that the truck was traveling at a high rate of speed and he was not able to keep up with it.

At about 11:30 p.m., officers from the Chadron Police Department located the suspect truck parked in an alley with the doors open. The vehicle was later towed to police impound and secured pending the execution of a search warrant. Officers established a perimeter around the vehicle and began a block-to-block search for the occupants of the vehicle. This evolved into a manhunt in the town of Chadron.

The following morning, the Chadron Police Department and officials with the Chadron State College and the Chadron School District decided to shut down both schools for the day. During an ensuing door-to-door search of the campus, officers located articles of clothing on the east side of the Student Center. These articles of clothing matched the description of the items worn in the armed robbery of the State Line Casino.

At about 10:00 a.m. on the 11th, the Chadron Police Department received a report of suspicious subjects. At about 10:15 a.m., a deputy observed five males running from behind a local business. Officers responded to the area and took five persons into custody. A witness observed Camille Adams throw a firearm into bushes behind a house. The firearm was retrieved and placed into evidence. The five males were identified as JORDAN ADAMS, his brother Camille Adams, another brother J.A., (a minor), J.K., and another male, S.J.

During a search of the vehicle, clothing and other items of evidence were seized. The evidence, including photographs, tied the group to the commission of the robberies in Montana, Wyoming, and South Dakota.

The recovered firearm was a Norinco, 210C, 9mm semi-auto handgun, with no visible serial number. The firearm and shell casings were sent to the ATF lab for forensic comparison. The shell casings recovered from the Town Pump in Columbus were examined and they were fired from the recovered firearm. Additionally, the lab was able to recover a serial number. The firearm was determined to be stolen.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Butte Police Department, the Columbus Police Department, the Stillwater County Sheriff's Office, the Billings Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and law enforcement agencies in Wyoming, South Dakota, and Nebraska.

JASON LEE ALBRITTON

On December 17, 2009, JASON LEE ALBRITTON, a 35-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 105 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: \$135,742
- Supervised Release: 3 years

ALBRITTON was sentenced in connection with his guilty plea to credit union robbery.

In an Offer of Proof filed by Assistant U.S. Attorney Vince Carroll, the government stated it would have proved at trial the following:

On June 19, 2006, ALBRITTON robbed the Family First Federal Credit Union in Great Falls. ALBRITTON entered the Credit Union wearing a mask and carrying a black bag and a BB pistol. ALBRITTON pointed the BB pistol at the tellers and ordered them to get on the ground. ALBRITTON then pointed the BB pistol at another Credit Union employee and followed her into the Credit Union's vault. ALBRITTON emptied the money from the main vault box and teller drawers into the black bag and left the Credit Union with a total of \$134,827.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation, Great Falls Police Department and Missoula Police Department.

JACOB KRAUS

On May 28, 2009, JACOB KRAUS, age 21, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$200
- Restitution: \$3,963.65
- Supervised Release: 5 years

KRAUS was sentenced in connection with his guilty plea to Hobbs Act robbery and carrying or using a firearm during a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 8, 2007, at about 10:30 p.m., Montana inmates KRAUS and Jordan Adams were reported missing from the Helena Pre-Release Center.

On October 9, 2007, at about 2:50 a.m., three men entered the Thriftway store in Butte

and robbed it at gunpoint. When interviewed, the victim reported that three men had come into the store. One pointed a black handgun at him and demanded money. The victim described the man with the firearm as wearing a red hooded sweatshirt and a blue bandanna across his face. This man was later identified as Camille Adams. The victim described seeing tattoos across Camille Adams' knuckles. The victim described the second male, who was stationed directly beside Camille Adams, as wearing a dark hooded sweatshirt and a dark bandanna covering his face. The second male was later identified as Jordan Adams. The third male, who was primarily responsible for taking items as the other two restrained the victim at gunpoint, was later identified as JACOB KRAUS.

The victim told police that during the robbery he was forced to his knees. He said the gun was pointed at the back of his head and Camille Adams 'clicked' the handgun several times in what he thought was an apparent attempt to discharge the firearm. He said he was terrified. During this time, the victim said he heard one of the two men nearest him communicating with KRAUS. The business reported that the three robbers took approximately \$40 in cash, beer and cigarettes.

Officers investigating this incident reviewed video surveillance of the robbery and they observed Camille Adams was wearing a red baseball cap. During the incident, a red bandanna covering Camille Adams' right wrist fell away, revealing a large tattoo. Officers noted Jordan Adams, was wearing a blue Adidas sweatshirt with white stripes on the sleeves. Officers noted the third male, JACOB KRAUS, had a thin build with a goatee and he was wearing a brown "Phat Farm" sweatshirt. Camille Adams had the gun pointed at the victim during most of the robbery.

On October 9, 2007, at about 6:45 a.m., three men robbed the Town Pump convenience store in Columbus at gunpoint. Based on victim reports and a review of a video of the robbery, officers believed that the men who had robbed the Thriftway in Butte earlier that morning also performed this robbery.

Witnesses reported that three men entered the store. Two went to the counter and the third lagged behind and went to the beer cooler area. During the investigation, officers secured the scene, collected evidence and interviewed witnesses. During the robbery of the Town Pump, the person initially identified as suspect #1, discharged his firearm twice into the floor and into the ceiling of the business. The business reported that the robbers took approximately \$518 in cash, beer and cigarettes. Columbus Police Officers recovered two "Federal" 9mm shell casings and the video surveillance of the robbery.

Two persons inside witnessed the robbery, including the cashier, who was the primary victim. She said two men approached her at the counter, and one of the men was wearing a red sweatshirt and a red hat. Camille Adams, was later identified as the man in the red sweatshirt. She said the man raised a gun and put it in her face. He announced, "This is a robbery! Open the register!" She said she paused briefly in

disbelief and fear. In that moment, she said the man fired a shot over her head, into the ceiling. She said the man was apparently still not satisfied with the way she was reacting because he went to the end of the counter and fired another shot, this one into the floor. She opened the register and stepped back.

She said he then came around the counter and took money from the till. The second suspect then reached across the counter and into the till. The second suspect was later identified as Jordan Adams. The third suspect, later identified as JACOB KRAUS, remained near the beer coolers. After they took the money from the till, they fled. A witness described seeing them get into a Dodge truck and drive away east on the Interstate.

Officers who reviewed the video surveillance were able to get good descriptions of the three men. Later that morning, at about 8:00 a.m., the Helena Police Department received a report that a 2005 silver Dodge Dakota truck with a personalized plate was stolen.

On October 10, 2007, at about 4:00 a.m., three men entered the Holiday convenience store in Sheridan, Wyoming, and robbed it at gunpoint. During this robbery, the person initially described as suspect #1, again discharged his firearm when the clerk did not move fast enough. This person was later identified as Camille Adams.

The victim provided Sheridan Police a description of the robbers that is consistent with the three persons who robbed both the Thriftway in Butte and the Town Pump in Columbus the previous day. A review of the surveillance tape confirmed that the three men appear to be the same persons who robbed the stores in Montana. The business reported a loss of approximately \$100 in cash.

Also on October 10, 2007, the Billings Police Department received information that the JACOB KRAUS and Jordan Adams were at the Billings Hotel and Convention Center in Billings. Officers went to this location and confirmed that they had stayed at the hotel on the previous evening of October 9, 2007. Clerks said that JACOB KRAUS and Jordan Adams, as well as three other males, had stayed in a room. They provided officers with a receipt, which indicated that a person identified as "CJ Peltier," who listed a Billings address had paid cash to stay in the room. The clerks also provided phone call information from the room during the stay.

Later on October 10th, at about 9:00 p.m., Stillwater County dispatch received a call on a recorded 911 line. The female placing the call indicated that she was calling from Kansas. This female indicated that the persons whom she believed were doing the robberies were on their way to Kansas and were currently in South Dakota. The female caller said that she wanted to talk to someone right away "before they hurt someone" and that there were five persons involved. Additionally, the female caller indicated that she knew a person who was related to one of the five persons.

At about 9:30 p.m., an officer with the Columbus Police Department contacted the female caller. The female told the officer that these persons were presently in South Dakota and had contacted someone she knows around 8:30 p.m. that evening. The caller said "they" told that person that they were on their way to Kansas and were going to try to make it into Nebraska that evening. The caller then put a male on the phone. He told the officer that he knew that five persons are riding together and that one of the persons is "CJ." He said "CJ" goes by the last name of either Adams or Peltier and that they are cousins. He said the person he referred to as "CJ Adams" had contacted him and told him that they were headed to Kansas. He said he thought that CJ Adams and the others must be somewhere around Rapid City or Mount Rushmore as CJ Adams mentioned both places in his conversation. He said CJ Adams told him he was in a Dodge Dakota truck.

The caller then said that CJ Adams had called him the previous day from Billings, Montana from a hotel at approximately 9:26 p.m. The caller provided his number, which matched up to the phone records from the Billings motel. He said that CJ Adams may also be using the name "CJ Peltier" The name "CJ Peltier" was in fact the name on the bottom of the hotel receipt.

Later on the 10th, at about 10:19 p.m., the Fall River County Sheriff's Office in South Dakota received a 911 call indicating the State Line Casino, in Oelrichs, South Dakota, had just been robbed at gunpoint. The caller provided the dispatcher with a description of three male subjects, which were again consistent with the descriptions of the persons who robbed stores in Montana and Wyoming. Dispatch then received a 911 call from a person who reported that he was following the vehicle that had just robbed the State Line Casino. This caller was a patron from the bar, who followed the robbers after they left.

He reported the vehicle was traveling south on Highway 385 in Nebraska, toward the town of Chadron. The caller identified the vehicle as a silver Dodge Dakota truck bearing a personalized Montana license plate, which matched up to the truck stolen in Helena. The caller told dispatchers that the truck was traveling at a high rate of speed and he was not able to keep up with it.

At about 11:30 p.m., officers from the Chadron Police Department located the suspect truck parked in an alley with the doors open. This vehicle was later towed to police impound and secured pending the execution of a search warrant. Officers established a perimeter around the vehicle and began a block-to-block search for the occupants of the vehicle. This evolved into a manhunt in the town of Chadron.

The following morning, Chadron PD and officials with Chadron State College and Chadron School District decided to shut down both schools for the day. During an ensuing door-to-door search of the campus, officers located articles of clothing on the east side of the Student Center. These articles of clothing matched the description of the items worn in the armed robbery of the State Line Casino.

At about 10:00 a.m. on the 11th, the Chadron Police Department received a report of suspicious subjects. At about 10:15 a.m., a deputy observed five males running from behind a local business. Officers responded to the area and took five persons into custody. A witness observed Camille Adams, throw a firearm into bushes behind a house. This firearm was retrieved and placed into evidence. The five males were identified as the JACOB KRAUS, Jordan Adams, his brother Camille Adams, another brother J.A., (a minor), and another male, S.J.

During the search of the vehicle, clothing and other items of evidence were seized. The evidence, including photographs, tied the group to the commission of the robberies in Montana, Wyoming and South Dakota.

The recovered firearm is a Norinco, 210C, 9mm semi-auto handgun, with no visible serial number. The firearm and shell casings were sent to the ATF lab for forensic comparison. The shell casings recovered from the Town Pump in Columbus were examined and they were fired from the recovered firearm. Additionally, the lab was able to recover a serial number, 4003489. Agents later determined the firearm was stolen.

At all times pertinent to this case, the Thriftway store in Butte, Montana and the Town Pump store in Columbus, Montana, were businesses engaged in interstate commerce. The firearm was manufactured outside the State of Montana and traveled in or affected interstate commerce.

Camille Adams and Jordan Adams pled guilty to federal charges and have been sentenced.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, Helena Police Department, Butte Police Department, Columbus Police Department, Stillwater Sheriff's Department, Billings Police Department, and law enforcement agencies in Wyoming, South Dakota, and Nebraska.

PETER MICHAEL THOMPSON

On November 6, 2009, PETER MICHAEL THOMPSON, a 24-year-old resident of Missoula, was sentenced to a term of:

- Prison: 138 months
- Special Assessment: \$200
- Restitution: \$700.28
- Supervised Release: 5 years

THOMPSON was sentenced in connection with his guilty plea to robbery and possession and discharge of a firearm during a crime of violence.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On January 12, 2009, at approximately 10:18 a.m., THOMPSON entered the Missoula Federal Credit Union in Missoula, pointed a rifle at the ceiling, fired one shot, and shouted, "Get down." THOMPSON then walked behind the teller counter and ordered the tellers to empty the cash drawers. The tellers gave THOMPSON approximately \$11,245.50. THOMPSON walked out from behind the counter and said something along the lines of, "Call the cops and do what you need to do. Have a nice day."

Just moments after the robbery occurred, a witness observed THOMPSON wearing a ski mask in the driver's seat of a older model blue Mazda pickup truck in the K-Mart parking lot adjacent to the Missoula Federal Credit Union. THOMPSON pulled off his ski mask and the witness suspected that he had just robbed the credit union. The witness followed THOMPSON for a few minutes and obtained a partial license plate number.

A Missoula County Sheriff's deputy located THOMPSON'S blue Mazda pickup and attempted to effect a traffic stop. THOMPSON sped off at a high rate of speed, but ran off the road in the 9900 block of Upper Miller Creek Road. The deputy got out of his car with a rifle and heard a gunshot from inside THOMPSON'S truck. The deputy fired three shots toward THOMPSON'S truck. THOMPSON was then taken into custody and received emergency medical attention for a gunshot wound to his face. Money stolen by THOMPSON during the robbery was recovered from his pickup.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Missoula Police Department, and the Missoula County Sheriff's Office.

TAX OFFENSES

KATHLEEN A. HUNNEWELL

On May 29, 2009, KATHLEEN A. HUNNEWELL, a 44-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 12 months plus 1 day – to be followed with 6 months of home arrest
- Special Assessment: \$200
- Restitution: \$121,779.66
- Supervised Release: 3 years

HUNNEWELL was sentenced in connection with her guilty plea to mail fraud and filing false income tax returns.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

HUNNEWELL owned and operated Physician's Billing Service (PBS) located in Kalispell. PBS was in the business of billing insurance companies for medical services rendered by area doctors and other medical providers (collectively referred to hereafter as "clients"). Upon receipt of patient service information from clients, PBS, under HUNNEWELL'S direction, billed the applicable insurance companies and patients, collected reimbursement checks from insurers and patients for medical services rendered, provided the clients with an accounting of amounts received, and remitted payment to the clients.

For some clients, PBS, under HUNNEWELL'S direction, maintained custody of the insurance billing information that indicated the amounts paid by insurers and patients.

A doctor, identified as "DCG", hired PBS to do his billing. By December of 2000 and continuing over the next three years, HUNNEWELL converted all or part of many of the reimbursements owed to DCG.

Former employees would have testified that HUNNEWELL had control of the PBS finances and checkbook and that when HUNNEWELL converted all or a portion of DCG's reimbursement, the money was converted for HUNNEWELL'S personal use.

After a time DCG began to suspect that he was not receiving his full reimbursement. However, the conversion was successfully concealed from him in several ways: first, the PBS accounting statement to DCG would reflect an actual transaction, but would falsely indicate an "adjustment" that the insurer had not made; or second, the receipt of payment by an insurer was not reported to DCG at all; or third, payment was posted to a another account that was never sent to DCG.

On at least some occasions, PBS computer records show that HUNNEWELL entered the false information about insurer "adjustments" to DCG's reimbursements.

On July 16, 2003, HUNNEWELL, d/b/a PBS, received, via U.S. mail, a reimbursement check from Blue Cross and Blue Shield of Montana in the amount of \$2,261.61 for services provided by DCG to seven separate patients which was then deposited. When insurance payment records that had been sent to DCG were compared to PBS billing statements, it was discovered that DCG had not been paid the full reimbursement amount for the seven patients.

A review of the internal PBS accounting for those seven patients found that while five were posted correctly, that is, DCG was reimbursed the proper amount, on the other

two patients, HUNNEWELL had posted one to a fictitious account and completely failed to post the other. As a result, in this transaction alone, HUNNEWELL converted approximately \$726 and reimbursed DCG approximately \$1,535.

Another doctor, hereafter referred to as "DAZ", was also a client of PBS. Financial reimbursement records from insurers and PBS billing statements found that DAZ suffered from the same kind of conversion by HUNNEWELL.

In addition to DCG and DAZ, several other PBS clients complained of billing irregularities at PBS.

For the time period set forth in the Indictment, the IRS reviewed HUNNEWELL'S financial transactions, bank accounts, and tax returns. HUNNEWELL'S bank records showed significant amounts of income deposited and spent above and beyond her reported business income.

A review of HUNNEWELL'S 2001, 2002, and 2003 federal income tax returns showed that the income reflected in HUNNEWELL'S bank records was not claimed on the tax returns.

HUNNEWELL signed under penalty of perjury each of the federal income tax returns in question. For the tax year 2003, HUNNEWELL failed to claim approximately \$60,415.79 in income that her bank records show she received that year.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was a cooperative effort between the Criminal Investigation Division of the Internal Revenue Service and the U.S. Attorney's Office.

ANITA PAUL and DAVID PAUL

On February 12, 2009, ANITA PAUL, age 66, and DAVID PAUL, age 67, residents of Ronan, were each sentenced to a term of:

- Home Arrest: 6 months
- Special Assessment: \$200
- Community Service: 250 hours
- Probation: 5 years

They were sentenced in connection with their guilty pleas to obstruction of Internal Revenue Service laws.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

DAVID and ANITA PAUL last filed a federal income tax return for the year 1998. This return was not filed until October 23, 2000. Substitute for returns were filed for the years 1999 through 2001 by the examination division of IRS and a tax assessment was made for the years 1999 - 2001. The case was sent to the collection division of the IRS. In June of 2005, the IRS sent DAVID PAUL a final notice and demand for payment of his tax liability for the years 1998 through 2001.

In July of 2005, the IRS sent the PAULS notice of the IRS's intention to levy DAVID PAUL'S income from Yellowstone Trucking to collect taxes owed for the 1998 tax year. In response, the PAULS mailed a fraudulent document entitled "International Bill of Exchange" in the amount of \$16,446.28 to the IRS office in Missoula.

In August of 2005, the IRS sent a notice of levy to Yellowstone Trucking regarding taxes DAVID PAUL owed for the tax years 1998 - 2001. In response, the PAULS responded by sending a fraudulent document entitled "International Bill of Exchange" in the amount of \$192,281.97 to the IRS office in Missoula.

During an interview with criminal investigators, DAVID PAUL identified his signature on each of these fraudulent documents. He identified the handwriting on the envelopes as that of his wife, ANITA PAUL, whom he said mailed the checks. DAVID PAUL told investigators he felt there was a "50/50 chance" that these checks would actually work.

In a separate interview, ANITA PAUL identified her husband DAVID PAUL'S signature on each fraudulent document. She further identified the handwriting on each envelope as her own. She told investigators that while she had mailed these bogus documents to the IRS, she never tried to deposit them into her own account because she did not think that would be right.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.